

GENERAL

Chapter 408

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Article 1 INTERPRETATION

408.1.1 Animal - defined

"animal" means any member of the animal kingdom, other than a human, but does not include a dog over the age of twelve weeks except when otherwise indicated. By-law 99-169, 4 October, 1999

408.1.2 Animal Designation Appeal Committee - defined

"Animal Designation Appeal Committee" means the Committee appointed by Council to perform functions and conduct appeal hearings as set out in this Chapter

408.1.3 Cat - defined

"cat" means any registered purebred or common domestic cat, male or female, over the age of twelve weeks unless otherwise specified by this Chapter and shall include a domestic breed of cat that is or appears to be feral.

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408.1.4 City - defined

"City" means The Corporation of the City of Kitchener unless the context requires otherwise. By-law 2008-96, 20 May, 2008.

408.1.5 Council - defined

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

408.1.6 Exterior Side Lot Line - defined

"exterior side lot line" shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.7 Exterior Side Yard - defined

"exterior side yard" shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.8 Feed or Feeding - defined

"feed" or "feeding" means furnishing or making food available and shall include leaving food outdoors in such a manner as to attract or be accessible to an animal, but does not include baiting during lawful activities and also shall not include any activity on land zoned Agricultural (A-1) under Zoning By-law 85-1 of the City.

408.1.9 Feeding Device - Wild Animal - defined

"feeding device" means a mechanism that attracts or is intended to attract wild animals and shall include anything used to support or contain food but shall not include a bird feeder used in accordance with the provisions of this Chapter.

408.1.10 Food - Wild Animal - defined

"food" means any substance or food which could reasonably be expected to attract or be consumed by a wild animal, but does not include:

- a) compost kept in accordance with all applicable by-laws, statutes, or regulations;
- b) landscaping materials used for landscaping purposes; or
- c) food being grown for human consumption. By-law 2016-085, 29 August, 2016

408.1.11 Fowl - defined

"fowl" means domestic fowl including, but not limited to, chickens, geese, ducks and game birds as defined in the *Game and Fish Act*. By-law 96-186, 30 November, 1996.

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408.1.12 Harbour and Harbours - defined

"harbour" and "harbours" shall include living with or having care and control of, or feeding an animal and shall specifically include the feeding of a cat or kitten whether feral or domestic. However, the feeding of a wild bird in accordance with the requirements of this Chapter shall not be considered harbouring. By-law 2016-085, 29 August, 2016

408.1.13 Hens - defined

"hen(s)" shall mean female chicken(s). By-law 2016-118, November 21, 2016

408.1.14 - Interior Side Lot Line - defined

"interior side lot line" shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.15 - Interior Side Yard - defined

"interior side yard" shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.16 Kitten - defined

"kitten" means any registered purebred or common domestic cat, male or female, up to the age of twelve weeks unless otherwise specified by this Chapter and shall include a domestic breed of kitten that is or appears to be feral. By-law 2008-96, 20 May, 2008.

408.1.17 Lot - defined

"lot" means a parcel of land which can be legally conveyed pursuant to the *Planning Act*. By-law 98-186, 30 November, 1998.

408.1.18 Order - defined

"Order" means an order issued pursuant to Section 408.4.3 or 408.4.4 of this Chapter. By-law 2008-98, 20 May, 2008.

408.1.19 Owner - defined

"owner" means a person who keeps or harbours an animal and where the owner is a minor, the person responsible for the custody of the minor.

408.1.20 Owner of Hens - defined

"owner of hens" shall mean an owner of a hen or hens kept on property zoned residential under the Zoning By-law and shall not apply to an owner of hens kept on land zoned Agricultural (A-1) under the Zoning By-law. By-law 2016-118, November 21, 2016.

408.1.21 Owners(s) of property on which hens are kept - defined

"owner(s) of property on which hens are kept" shall mean an owner of property zoned residential under the Zoning By-law on which a hen or hens are kept but shall not include the owner of property zoned Agricultural (A-1) under the Zoning By-law with respect to that Agricultural property. By-law 2016-118, November 21, 2016.

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408.1.22 Poundkeeper - defined

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

408.1.23 Rear Lot Line - defined

"rear lot line" shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences) By-law 2016-118, November 21, 2016

408.1.24 Rear Yard - defined"rear yard" shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016.

408.1.25 Wild Animal - defined

"wild animal" shall mean an animal that belongs to a species that is wild by nature or an animal living in its natural habitat but does not include

- (a) a permitted animal kept in accordance with the requirements of this Chapter;
- (b) a prohibited or restricted animal permitted to be kept by section 408.2.13 of this Chapter and kept in accordance with the requirements of this Chapter;
- (c) a bird;
- (d) a feral cat; or
- (e) an animal being fed as part of research undertaken by a university, college, or similar provincially or federally recognized research institution. By-law No. 2016-085, 29 August, 2016

408.1.26 Zoning By-law - defined

"Zoning By-law" means any by-law administered by the City passed pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, or a predecessor or successor thereof, as may be amended from time to time.

Article 2 GENERAL PROVISIONS

408.2.1 Running at large - prohibited - owner responsibility

No owner of an animal shall allow his/her animal to run at large

408.2.2 Running at large - conditions

An animal shall be deemed to be running at large when it is found not under the effective control of an adult person and not under leash unless the animal is on the lands of a person who has given prior consent to it being unleashed.

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408.2.3 Leash - length

No leash shall exceed 2.4 metres (8 feet)

408.2.4 Excrement - removal by owner - upon defecation

Every owner of an animal shall remove forthwith and dispose of any excrement left by his/her animal on any property in the City other than his/her own property

408.2.5 Attack - fighting - prohibited

No owner shall permit his/her animal to attack or fight with any animal

408.2.6 Trespass by animal - prohibited

No owner shall permit his/her animal to trespass on private property By-law 98-186, 30 November, 1998.

408.2.7 Slaughter house - location - restrictions

No person shall at any time use any house, dwelling unit, or accessory building, or any part thereof, or any land abutting same, as a place for slaughtering animals unless such place is distant not less than 180 metres (590.6 feet) from any dwelling unit and not less than 45 metres (147.6 feet) from any highway.

408.2.8 Permitted animals

Permitted animals means:

- (a) mammals which are commonly known as the following:
 - cats;
 - chinchillas;
 - degus;
 - dogs, including dogs over the age of twelve weeks;
 - ferrets;
 - gerbils;
 - guinea pigs;
 - hamsters;
 - hedgehogs;
 - mice;
 - rabbits;
 - rats;
 - sugar gliders;
- (b) all birds, reptiles, amphibians, fish and invertebrates which are not restricted or prohibited animals;
- (c) all animals which are used for animal husbandry or are otherwise permitted by the Zoning By-law.

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408.2.9 Restricted animal

A restricted animal means:

- (a) a lizard which will grow to more than 65 centimetres (25.6 inches) in length from snout to vent.
- (b) a snake which will grow to more than 2 metres (6.6 feet) in length.
- (c) a prohibited animal which was kept or harboured by its owner on the date the animal was prohibited or which was purchased by its owner from a pet shop in the City in accordance with Chapter 575 of The City of Kitchener Municipal Code By-law 99-169 4 October, 1999.

408.2.10 Prohibited animal

A prohibited animal means.

- (a) an animal which is venomous or poisonous in captivity.
- (b) an animal which is wild-caught, provided that a wild-caught fish shall be deemed to be a permitted animal until January 1, 2004.
- (c) an animal whose parent is a prohibited animal
- (d) a mammal which is not a permitted animal;
- (e) birds which are members of the following orders:
 - Order Anseriformes, for example, but not limited to, ducks, geese and swans
 - Order Casuariiformes, for example, but not limited to, cassowaries and emus;
 - Order Galliformes, for example, but not limited to, grouse and pheasants, except for non-indigenous quail species which have been captive-bred for more than six generations;
 - Order Rheiformes, for example, but not limited to, rheas; and
 - Order Struthioniformes, for example, but not limited to, ostriches.
- (f) reptiles which are members of the following orders:
 - Order Crocodylia, for example, but not limited to, crocodiles; and
 - Order Spherodontida, for example, but not limited to, tuatara;

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- (g) amphibians which are members of the Order Gymnophiona or Apoda commonly known as legless amphibians. By-law 99-169, 4 October, 1999; By-law 2013-091, 24 June, 2013.

408.2.11 Prohibited animal - keeping - offence

No person shall keep or harbour or permit to be kept or harboured a prohibited animal.

408.2.12 Restricted animal - keeping requirements

The owner of a restricted animal shall comply with the following requirements:

- (a) to register the restricted animal on or before February 15, 2000 or after that date within seven working days of becoming the owner of the restricted animal by providing the Poundkeeper with his/her name, address and telephone number and a description of the restricted animal;
- (b) to keep the restricted animal, when it is on the lands and premises of the owner, confined and under effective control, as approved by the Poundkeeper;
- (c) to keep the restricted animal under the effective control of an adult person and under leash or otherwise contained at all times when it is not confined in accordance with clause (b);
- (d) to provide the Poundkeeper with the new address and telephone number of the owner within two working days of moving the restricted animal.
- (e) to provide the Poundkeeper with the name, address and telephone number of the new owner within two working days of selling or giving away the restricted animal
- (f) to advise the Poundkeeper within two working days of the death of the restricted animal and
- (g) to advise the Poundkeeper forthwith if the restricted animal is running at large or has bitten or attacked any person or animal, including dogs over the age of twelve weeks

408.2.13 Prohibited - restricted animal - exceptions

Sections 408.2.11 and 408.2.12 of this Chapter shall not apply to:

- (a) an animal hospital or clinic lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) an animal shelter operated by the Kitchener-Waterloo and North Waterloo Humane Society.

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- (c) premises registered as a research facility in accordance with the *Animals for Research Act*.
- (d) the lawful operation of a circus, carnival, performance, exhibition, zoo, or public display.
- (e) subject to the approval of the Kitchener-Waterloo and North Waterloo Humane Society:
 - i) premises where animals are being kept for the purposes of rehabilitating the individual animal, or
 - ii) when under the auspices of the federal or provincial government or an organization or facility with appropriate expertise, premises where animals are being kept for the purpose of preserving the individual animal or the animal species, provided that the premise meet Canadian Association of Zoos and Aquariums standards;
- (f) day care facilities or educational establishments where short-term educational programs are being conducted, or
- (g) a person keeping up to four hens on a property in accordance with the requirements of this Chapter. By-law 2016-118, November 21, 2016

408.2.14 Animal Designation Appeal Committee - hearing

The Poundkeeper or a resident of the City may request that a Committee of Council, known as the Animal Designation Appeal Committee, conduct a hearing as to whether:

- (a) a species of mammal should be added to Section 408.2.8 as a permitted animal or to Section 408.2.9 as a restricted animal, or
- (b) a species of bird, reptile, amphibian, fish or invertebrate should be added to Section 408.2.9 as a restricted animal or to Section 408.2.10 as a prohibited animal.

408.2.15 Request for hearing

- (a) Requests from residents shall be submitted between January 1 and February 15 of each year
- (b) One request from a resident in regard to Section 408.2.14(a) and one request from a resident in regard to Section 408.2.14(b), such requests to be chosen by lottery after February 15 if necessary, shall be considered by the Animal Designation Appeal Committee during the remainder of the year.

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408.2.16 Animal Designation Appeal Committee - decision

The Animal Designation Appeal Committee may recommend to Council that:

- (a) the mammal species be added to Chapter 408 as a permitted or a restricted animal if:
 - (i) the mammal species has been captive-bred for at least 10 generations;
 - (ii) the general public is capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - (iii) the danger the animal species may present to public health or safety is minimal;
 - (iv) the danger the animal species may present to the local ecosystem should it escape or be released is minimal.
- (b) a bird species be added to Chapter 408 as a restricted or prohibited animal if:
 - (i) the bird species has been captive-bred for less than six generations;
 - (ii) the general public is not capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - (iii) the danger the animal species may present to public health or safety is not minimal; or
 - (iv) the danger the animal species may present to the local ecosystem should it escape or be released is not minimal.
- (c) a reptile, amphibian, fish or invertebrate species be added to the Chapter as a restricted or prohibited animal if:
 - (i) the general public is not capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - (ii) the danger the animal species may present to public health or safety is not minimal; or

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- (iii) the danger the animal species may present to the local ecosystem should it escape or be released is not minimal

408.2.17 Hearing evidence

The Animal Designation Appeal Committee may require any person to give evidence relevant to the subject matter of a hearing. By-law 99-169, 4 October 1999

408.2.18 Entry - Inspection - right

The Regional Medical Officer of Health and any Health Inspector, the Chief Fire Prevention Officer and any Fire Inspector, the Chief Building Official and any Building/Plumbing Inspector, Property Standards Officer or Municipal Law Enforcement Officer, and the Poundkeeper and any Ontario Society for the Prevention of Cruelty to Animals Inspector may, at all reasonable times enter upon and inspect any lands and premises where animals are kept for the purpose of insuring compliance with the provisions of this Chapter. By-law 99-169, 4 October, 1999; By-law 2010-146, 7 September, 2010

Article 3 PIGEONS - RABBITS

408.3.1 Enclosure - requirements

No person shall keep or permit to be kept pigeons or rabbits in other than an enclosure that:

- (a) where it is not a cage, has its inside walls and ceiling limewashed or painted at least annually;
- (b) is screened to the maximum extent possible from adjacent premises and streets by hedges, shrubs, fences or other suitable screening,
- (c) in the opinion of the Poundkeeper, provides adequate space, lighting and ventilation having regard to the number of pigeons and rabbits kept therein;
- (d) in the opinion of the Regional Medical Officer of Health, does not house pigeons or rabbits in such a manner or in such number as to constitute an actual or potential threat or hazard to human health;
- (e) is maintained in such a manner as to prevent the emission of noxious odours therefrom,
- (f) is readily maintained in a clean and sanitary condition;

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- (g) is constructed and maintained in compliance with the provisions of any applicable Act or Regulation and any other municipal by-law including, without restricting the generality of the foregoing, the *Health Protection and Promotion Act* and Regulations, the *Ontario Building Code Act, 1992* and Regulations, the *Fire Prevention and Protection Act* and Regulations, Chapter 665 of the City's Municipal Code and the Zoning By-law;
- (h) is constructed in such a manner as to prevent the escape from the enclosure of any pigeon or rabbit kept therein;
- (i) is located to the rear of the property and situated 12.2 metres (40 feet) from any school, church, dwelling unit or other premises used for human habitation or occupancy, other than premises occupied exclusively by the owner or members of the owner's immediate family.

408.3.2 Enclosure - existing - location - exemption

An enclosure in existence prior to October 26, 1987 shall, notwithstanding that it does not comply with Section 408.3.1(i) shall be deemed to be an enclosure within the meaning of Section 408.3.1 provided it complies in all other respects with the provisions thereof and provided it cannot be re-located to comply with Section 408.3.1(i).

408.3.3 Enclosure - maintained sanitary - feed - waste storage

Every person keeping pigeons or rabbits in an enclosure shall:

- (a) remove and dispose of in a sanitary manner at least three times each week all droppings, refuse or offal, and any dropped or scattered feed within or adjacent to any enclosure. No material so removed may be burned or stored on or within the lands and premises from which it is removed; and
- (b) store all feed in rodent-proof containers.

408.3.4 Pigeons - in City - prohibited - rabbits - limitation

No person shall keep or permit to be kept any pigeons or more than six rabbits on any lot within the City.

408.3.5 Agricultural land - exemption

Section 408.3.4 does not apply to a lot located within an area zoned agricultural by the Zoning By-law.

408.3.6 Permitted use - by Zoning By-law - exemption

Section 408.3.5 does not apply to a lot where the keeping of pigeons or rabbits is a permitted use either expressly or by necessary implication, within the meaning of the Zoning By-law. By-law 98-186. 30 November, 1998.

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408.3.7 Pigeon keeping - exemption - conditions

Notwithstanding Section 408.3.4, where a person or property has been granted an exemption by Council prior to August 31, 2004, allowing for the keeping of pigeons in the City, pigeons may be kept provided that:

- (a) the pigeons are kept continuously from August 31, 2004 forward;
- (b) the number of pigeons kept does not exceed that number of pigeons specifically permitted in the exemption if applicable;
- (c) the pigeons are kept at the location specified in the exemption if so specified;
- (d) where no location is specified in the exemption that the exemption shall not apply to a property other than the property the pigeons were kept at on August 31, 2004;
- (e) the pigeons are kept for sporting or exhibitions purposes;
- (f) the pigeon keeper resides at the property and is a bona fide member of an organized pigeon club or association;
- (g) each pigeon is banded with an identifying leg band issued by the said organization;
- (h) the pigeon keeper ensures compliance with all other regulations of this Chapter respecting the keeping of pigeons By-law 2004-144, 29 June, 2004.

408.3.8 Infection - communicable disease - responsibility

In the event the owner of pigeons or rabbits suspects they are infected with a communicable disease, the owner shall immediately consult a veterinarian licensed to practice in Ontario to diagnose the condition. If the diagnosis confirms that the pigeons or rabbits are infected with a communicable disease, the owner shall immediately notify the Regional Medical Officer of Health and comply with any direction which may be issued by the Regional Medical Officer of Health in this regard. By-law 98-186, 30 November, 1998

408.3.9 Pigeon keeping - exemption revoked - permanent

Where a person or property was granted an exemption by Council prior to August 31, 2004, allowing for the keeping of pigeons in the City, Council may permanently revoke this exemption if the pigeon keeper or property has failed to comply with any of the regulations respecting the keeping of pigeons in this Chapter, the conditions of Section 408.3.7, or the conditions of the original exemption. By-law 2004-144, 29 June, 2004.

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Article 4 CATS

408.4.1 Harboursing - causing nuisance - prohibited

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

408.4.2 Keeping - conditions adverse to health - prohibited

- (a) No person shall keep or harbour any cat or kitten in a manner that adversely impacts the health or well-being of the cat or kitten
- (b) For the purposes of Section 408.4.2(a), the following are deemed to be circumstances which could adversely impact the health or well-being of a cat or kitten: unsanitary conditions, neglect, overcrowding, inadequate feeding, and inadequate medical attention

408.4.3 Nuisance - order - issued - reduction of cats

Where a person is convicted under Section 408.4.1 of this Chapter, the City's Director of Enforcement may issue an order to discontinue the contravening activity by reducing the number of cats or kittens at a property and/or kept or harboured by that person and such Order shall be complied with. The number to which the total number of cats and kittens must be reduced to shall be at the Director of Enforcement's discretion and may be as low as zero.

408.4.4 Health concerns - order - issued - reduction of cats

Where a person is convicted under Section 408.4.2(a) of this Chapter, the City's Poundkeeper may issue an order to discontinue the contravening activity by reducing the number of cats or kittens at a property and/or kept or harboured by that person and such Order shall be complied with. The number to which the total number of cats and kittens must be reduced to shall be at the Poundkeeper's discretion and may be as low as zero.

408.4.5 Order - information - requirements

Every Order shall:

- (a) give reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
- (b) indicate the number to which the total number of cats and kittens must be reduced;
- (c) shall indicate the date by which there must be compliance with the order to reduce the number of cats; and

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- (d) shall include a statement that failure to comply with the order may result in seizure of any cats and kittens and/or charges under this Chapter

408.4.6 Order - appeal - deadline

An Order may be appealed by the individual(s) to whom it is directed. Such appeal shall be made in writing to the Clerk of the City within ten business days of the Order's date of issuance

408.4.7 Appeal - hearing - time frame

Where an Order has been appealed, the Animal Designation Appeal Committee shall hold an appeal hearing pursuant to the provisions of the *Statutory Powers Procedure Act*. The Animal Designation Appeal Committee shall endeavour to hold such appeal hearing within thirty days of the request.

8.4.8 Appeal - non-attendance - dismissal - adjourned

Where a person has requested an appeal and does not appear at the appointed time, the Animal Designation Appeal Committee may dismiss the appeal as abandoned or, where it has cause to believe it would be beneficial to adjourn the appeal, may do so to allow the person who requested the appeal an opportunity to be present. If the appeal is dismissed as abandoned by the Animal Designation Appeal Committee, the Order shall stand.

408.4.9 Order - modified by Committee

The Animal Designation Appeal Committee may recommend that an Order be ratified, affirmed, rescinded, added to, varied, substituted, or that time for compliance with the Order be extended

408.4.10 Order - ratified by Council - effective

Any recommendation of the Animal Designation Appeal Committee must be ratified or affirmed by Council before taking effect and Council may ratify or affirm, rescind, add to, vary, or substitute the Order of part thereof and may also extend time for compliance with the Order

408.4.11 Order - non-compliance

Where compliance with an Order has failed to eliminate any violation of Section 408.4.1 or 408.4.12(a) under this Chapter, a further Order or Orders may be made pursuant to this Chapter regardless of whether any other charge is laid or conviction is obtained under Section 408.4.1 or 408.4.2(a) of this Chapter

408.4.12 Failure to comply - action by City

In the event of a person's failure to comply with an Order issued under this Chapter, the City may take such action as necessary to cause compliance with the Order at that person's expense. Such action may include the removal of cats from the property. The City may recover the costs of such remedial action from the person the Order directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes

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408.4.13 Poundkeeper - cat - removal - not returned

The Poundkeeper shall treat any cat(s) or kitten(s) removed pursuant to this Chapter in the same manner as an animal found running at large but shall not return such cat(s) or kitten(s) to the person or location from which they were removed unless it is shown to the satisfaction of the Poundkeeper that returning them would not facilitate a situation of non-compliance with the governing Order.

408.4.14 Keeping number other than specified - prohibited

No person shall keep more cats or kittens than specified by an Order. By-law 2008-96, 20 May, 2008.

Article 5 IMPOUNDING ANIMALS

408.5.1 Running at large - seizure - impounding

The Poundkeeper may seize and impound any animal found running at large.

408.5.2 Animal impounded - record kept - by Poundkeeper

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

408.5.3 Animal impounded - restored to owner - deadline

Possession of the animal may be restored to the owner if the owner claims possession of the animal within three days, exclusive of statutory holidays and Sundays, after the date of seizure and impounding. By-law 98-186, 30 November, 1998; By-law 2008-98, 20 May, 2008.

408.5.4 Impound fees

The Poundkeeper may release an impounded animal to its owner after identification of the animal by its owner. The Poundkeeper may require any of the following of the owner prior to releasing the animal or at a later date:

- (a) payment of the Thirty-Five Dollar (\$35) impound fee for the first day or any part thereof which the animal has been impounded;
- (b) payment of the Thirty-Five Dollar (\$35) boarding fee incurred for each subsequent day or any part thereof which the animal has been impounded; and
- (c) payment of the cost of any vaccination given pursuant to this Chapter. By-law 2013-091, 24 June, 2013.

408.5.5 Female - in heat - running at large - impound duration

Any female animal found to be running at large in heat shall be impounded by the Poundkeeper until no longer in heat, but in any case no longer than twenty-one days.

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408.5.6 Impound animal - not tagged - immunized

Any animal impounded not wearing a tag for the current year may be given an inoculation to provide immunization against rabies. By-law 98-186, 30 November, 1998; By-law 2008-96, 20 May, 2008.

408.5.7 Animal impounded - owner liable - for all fees

Where an animal is impounded, the owner shall be liable for and shall pay on demand the following fees to the Poundkeeper:

- (a) the Thirty-Five Dollar (\$35) impound fee for the first day or any part thereof which the animal has been impounded;
- (b) the Thirty-Five Dollar (\$35) boarding fee incurred for each subsequent day or any part thereof which the animal has been impounded; and
- (c) the cost of any vaccination given pursuant to this Chapter By-law 2013-091, 24 June 2013

408.5.8 Animal not claimed - sale - disposed

In the event that possession of any impounded animal has not been restored to the owner within three days, exclusive of statutory holidays and Sundays, after seizure, the animal may be sold by the Poundkeeper for such price as he/she deems reasonable or the Poundkeeper may dispose of the animal pursuant to the *Animals for Research Act* and Regulations thereunder. The sale of any animal so sold shall belong to the Poundkeeper and no damages or compensation shall be recovered on account of any disposition made thereunder.

408.5.9 Animal impounded - injured - destroyed

Where an animal which has been seized is injured or should be destroyed without delay for humane reasons, the Poundkeeper may dispose of the animal in a humane manner as soon after seizure as he/she thinks fit without permitting any person to reclaim the animal or without offering it for sale and no damages or compensation shall be recovered on account of such disposition

Article 6 FEEDING - WILD ANIMAL

408.6.1 Nuisance to - owner/occupant of any property

No person shall feed or permit the feeding of a wild animal in a manner that creates a nuisance to an owner or occupant of any property.

408.6.2 Removal of food - owner/occupant of property

Every owner and occupier of property shall immediately remove any food placed on the property in violation of this Chapter.

408.6.3 Feeding device - not allowed - any property

No person shall place a feeding device on any property.

ANIMALS - REGULATION

408.6.4 Removal of feeding device - owner/occupant

Every owner and occupier of property shall immediately remove any feeding device placed on the property in violation of this Chapter.

408.6.5 Feeding Wild Birds - Duties of owner/occupant of property

No person shall feed or permit the feeding of a wild bird unless

- (a) having the permission of the owner or occupant of the property where the bird is fed;
- (b) ensuring there is no accumulation of bird feces;
- (c) making food reasonably inaccessible to wild animals and ensuring that food does not unreasonably attract wild animals in a manner that creates a nuisance to occupants of any property;
- (d) promptly removing and disposing of excessive spilled seed or other food to ensure it does not attract wild animals; and
- (e) ensuring that the feeding does not interfere with the normal use or enjoyment of any property." By-law 2016-085, 29 August, 2016
- (f)

Article 7 HENS

408.7.1

A person may keep up to four hens at a property in a residential zone under the Zoning By-law providing the conditions and requirements contained in this Article are met.

408.7.2

Every owner of hens and every owner of property on which hens are kept shall ensure that:

- (a) the owner of the hens has paid the applicable permit fee as set by Council from time to time, made application for, and obtained a permit from the City to allow the keeping of hens at the property;
- (b) the owner of the hens resides at the property;
- (c) the property on which the hens are kept has residential zoning under the Zoning By-law and contains a single detached, semi-detached, or townhouse dwelling;
- (d) all owner(s) and all adult occupant(s) of the property have consented in writing to the satisfaction of the City to the keeping of hens at the property;

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- (e) the hens are kept in a fully enclosed coop or run in a manner that contains the hens on the property and prevents their escape from such coop or run;
- (f) the coop and any run are within the rear yard, exterior side yard, or interior side yard of the property, and
- (g) the coop and any run are set back at least 1.2 metres from the rear lot line and at least 2.5 metres from any interior side lot line or exterior side lot line of the property and at least 2.5 metres from any rear lot line abutting an exterior side yard or interior side yard of another property unless all owner(s) and all adult occupant(s) of any property from which the aforementioned setbacks are not in place have consented in writing to the satisfaction of the City to the placement of the coop or run.

408.7.3

When a coop is built within a shed or other structure, only the portion actually used to house hens shall be required to meet the setback requirements of section 408.7.2

408.7.4

Every owner of hens and every property owner on which hens are kept shall ensure the hens are housed in a coop that is constructed and maintained:

- (a) to provide protection from weather and be adequately ventilated;
- (b) to exclude rodents and predators;
- (c) with flooring that is resistant to moisture and mold and retains heat in the cold weather;
- (d) with a chicken box sufficient to accommodate all hens,
- (e) with a perch area sufficient to accommodate all hens; and
- (f) with an accessible dust bath area.

408.7.5

Every owner of hens and every property owner on which hens are kept shall ensure that:

- (a) coops and runs are maintained in a clean condition;
- (b) coops and runs are maintained to ensure that smells do not cause a nuisance to residents of any neighbouring property or any residents of the City;

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- (c) coop floors are lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning;
- (d) coops are deep cleaned at least two times yearly including disinfecting of troughs, perches, and nests.
- (e) feeders and water containers are provided and are cleaned and disinfected regularly;
- (f) all stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it,
- (g) feeding of hens is done in a manner that minimizes the attraction of rodents or other animals;
- (h) manure and droppings are cleaned out daily and stored in a secured container or composter in accordance with compost regulations until disposed of in accordance with all applicable laws and regulations;
- (i) each hen is banded with such band containing current contact information for the hen's owner.
- (j) hens have access to an enclosed outdoor run area;
- (k) deceased hens are disposed of at a livestock disposal facility, through the services of a veterinarian, chicken exchange program, or through a facility as approved by the Ministry of Agriculture, Food, and Rural Affairs and are disposed of in accordance with all laws;
- (l) there is no sale of eggs, manure or other products associated with the keeping of hens;
- (m) no slaughtering or butchering of hens is done on the property;
- (n) hens are kept in accordance with all other laws including the City's by-laws respecting noise, lot maintenance, property standards, and animals as well as provincial legislation respecting the keeping of animals

408.7.6

- (1) An owner or adult occupant of property may withdraw consent to placement of a hen coop or run that is closer to their property than otherwise required by submitting written notice to the satisfaction of the City to the City's Director of By-law Enforcement. Where such consent is withdrawn, the City shall notify the owner of the property where the coop or run is placed that consent has been withdrawn

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- (2) Where the City notifies a property owner that consent to have the coop or run closer to a property than otherwise required has been withdrawn, that owner of property on which hens are kept shall ensure that the coop or run is removed or relocated within a permitted area by the later of November 1 of that calendar year or six (6) months following the date of notification being given

408.7.7

Where an owner of hens can show to the satisfaction of the City's Director of Enforcement that they owned more than four hens on November 8, 2016, the person shall be allowed to keep up to six of the hens owned on that date for the lifetime of the hens but shall not replace any hen that dies until the number of hens is reduced to four. Any person relying on this provision shall provide such information as the Director of Enforcement reasonably requires for the purposes of identifying existing hens and ensuring that new hens are not purchased until the number of hens is reduced to four. This provision shall only apply if the hens are kept in compliance with all other provisions of this by-law " By-law 2016-118, November 21, 2016

Article 8 ENFORCEMENT

408.8.1 Fine - for contravention

Every owner who contravenes any provision of this Chapter or, an Order issued pursuant to this Chapter, is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. By-law 98-186, 30 November, 1998; By-law 2008-96, 20 May, 2008.

Article 9 SEVERABILITY

408.9.1 Validity

Each and every of the provisions of this Chapter is severable and if any provisions of this Chapter should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the remaining provisions hereof shall remain in full force and effect

Article 10 REPEAL

409.10.1 By-law - previous

By-law 87-202 as amended by By-laws 89-77, 89-206, 91-114, 91-184, 91-272 and 92-26, and By-law 87-275 as amended by By-laws 91-185, 91-271, 92-260, 95-11, 96-97 and 98-72 are repealed. By-law 98-186, 30 November, 1998; By-law 2008-96, 20 May, 2008, By-law 2016-085, 29 August, 2016; By-law 2016-118, November 21, 2016

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Chapter 420

DOG - DESIGNATIONS

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ARTICLE 1 DEFINITIONS AND INTERPRETATIONS

420.1.1 "animal services provider" - defined

"animal services provider" means "The Humane Society of Kitchener Waterloo & Startford Perth" which was formerly known as the "Kitchener-Waterloo and North Waterloo Humane Society" and also as "The Animal Welfare Agency South Central Ontario" and which is still commonly referred to in the community as the "Humane Society" and as the "KWHS" and shall include its officers and employees. By-law No 2018-010, 29 January 2018; By-law No 2019-021, 4 March 2019

420.1.2 "City" - defined

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

420.1.3 "confirmed designation" - defined

"confirmed designation" means any unrescinded potentially dangerous, dangerous, restricted, or prohibited dog designation whether issued under this or any former City chapter respecting dogs.

- (a) as set out by the animal services provider where the time for requesting an appeal as specified in the chapter has expired without an appeal being requested;
- (b) as set out by the animal services provider where an appeal was requested in the time specified in the chapter but the request for an appeal was withdrawn or the appeal was dismissed as abandoned.
- (c) as affirmed, varied, modified or substituted by the Dog Designation Appeal Committee where Council has ratified or affirmed the decision of the Dog Designation Appeal Committee, or
- (d) as varied, modified or substituted by Council where Council has not ratified or affirmed the decision of the Dog Designation Appeal Committee or any part thereof or where Council has in any way varied, modified, or substituted the Dog Designation Appeal Committee's decision:

but confirmed designation shall not include a previous designation that has been replaced by a new confirmed designation.

420.1.4 "Council" - defined

"Council" means the Council of the City.

420.1.5 "Dangerous dog" - defined

"Dangerous dog" means

- (a) a dog that, in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency, or disposition to do so;
- (b) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal, or
- (c) a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for

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such dog.

420.1.6 “designated dog” - defined

“designated dog” shall mean any dog that is the subject of a confirmed designation.

420.1.7 “dog” - defined

“dog” means any dog, male or female unless otherwise specified in this chapter.

420.1.8 “Dog Designation Appeal Committee” - defined

“Dog Designation Appeal Committee” means the Committee appointed by Council to perform functions and conduct appeal hearings as set out in this chapter

420.1.9 “Dog Owners’ Liability Act” - defined

“Dog Owners’ Liability Act” shall mean the *Dog Owners’ Liability Act*, R.S.O. 1990, c. D. 16

420.1.10 “lodging house” - defined

“lodging house” means a dwelling containing one or more lodging units designed to accommodate four or more residents. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household.

420.1.11 “mitigating factor” - defined

“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.

420.1.12 “multiple unit dwelling - defined

“multiple unit dwelling” means a building containing three or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling

420.1.13 “Municipal Act, 2001” - defined

“Municipal Act, 2001” shall mean the *Municipal Act, 2001*, S.O. 2001 c. 25.

420.1.14 “muzzle” - defined

“muzzle” means a humane fastening or covering device placed over a dog’s mouth, of adequate strength to prevent it from biting as approved by the animal services provider.

420.1.15 “officer” - defined

“officer” shall include a municipal law enforcement officer, a by-law officer, an employee of the animal services provider, an agent or inspector appointed pursuant to the Ontario

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Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. 0.36, and a member of the Waterloo Regional Police Services. By-law 2018-010, 29 January 2018.

420.1.16 "Off-Leash Park" - defined

"Off-Leash Park" shall mean an Off-Leash Park as defined by the City's Responsible Dog Ownership By-law.

420.1.17 "owner" - defined

"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.

420.1.18 "Pit Bull dog" - defined

"Pit Bull dog" means a dog of any age which has the appearance and physical characteristics predominantly conforming to the standards for any of the following breeds, as established by the Canadian Kennel Club or the American Kennel Club or the United Kennel Club as set out in Schedule 'A' hereto, and determined by the animal services provider, namely,

- (a) American Pit Bull Terrier;
- (b) Staffordshire Bull Terrier; or
- (c) American Staffordshire Terrier.

but shall not include a Staffordshire Bull Terrier which is registered with the Canadian Kennel Club or the American Kennel Club and also shall not include an American Staffordshire Terrier that has been registered with the Canadian Kennel Club or the American Kennel Club

420.1.19 "potentially dangerous dog" - defined

"potentially dangerous dog" means,

- (a) a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling, or
- (b) a dog that has been impounded by the animal services provider or for whom the owner has been convicted on a total of three occasions within a twenty-four month period for such dog being at large in the municipality

420.1.20 "prohibited dog" - defined

"prohibited dog" means,

- (a) a Pit Bull dog which is not a restricted dog;
- (b) a dog, previously designated as a restricted dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog; or
- (c) a dog, previously designated as a dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

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420.1.21 "restricted dog" - defined

"restricted dog" means:

- (a) a dog that is a Pit Bull dog for which the owner had a valid 1996 or 1997 City dog licence,
- (b) a dog that is a Pit Bull dog where it is demonstrated to the satisfaction of the animal services provider that the dog:
 - i. was owned by a resident of Ontario on August 29, 2005 or was born in Ontario within 90 days of August 29, 2005, and
 - ii is being kept in accordance with the *Dog Owners' Liability Act*, and the regulations thereunder; or
- (c) a dog deemed to be a restricted dog pursuant to article 420.8.1

420.1.22 "run(s) at large" - defined

"run(s) at large", "running at large", or "being at large" shall have the same meaning as set out for "running at large" in the City's Responsible Dog Ownership By-law

420.1.23 "shelter facility" - defined

"shelter facility" means the animal shelter operated by the animal services provider. By-law 2018-010, 29 January, 2018

ARTICLE 2 DOG DESIGNATIONS

420.2.1 The animal services provider may either on its own initiative or as the result of a complaint received by it from a resident of the City of Kitchener conduct an inquiry into whether a dog should be designated a potentially dangerous dog, a dangerous dog, a restricted dog, or a prohibited dog, as the case may be

420.2.2 As a result of the inquiry conducted by the animal services provider into whether a dog should be designated as a potentially dangerous, dangerous, restricted or prohibited dog, the animal services provider may designate a dog as a potentially dangerous, dangerous, restricted, or prohibited dog where there are reasonable grounds for the animal services provider to believe that the dog fits the definition of potentially dangerous, dangerous, restricted or prohibited dog under this chapter.

420.2.3 Any notices served by the animal services provider shall be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail to the owner's last known address, shall be deemed received on the fifth working day after the date of mailing.

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- 420.2.4** When the animal services provider designates a dog as a potentially dangerous, dangerous, restricted or prohibited dog, the animal services provider shall serve a notice including the following as applicable
- a) a statement that the animal services provider has reason to believe that the dog is a potentially dangerous, dangerous, restricted or prohibited dog, as the case may be.
 - b) the requirements that the owner must comply with in accordance with this chapter and when such requirements take effect;
 - c) a statement that the owner may request in writing, within five working days of receipt of the animal services provider's notice, and is entitled to an appeal hearing before the Dog Designation Appeal Committee which may decide to affirm or rescind the animal services provider's designation of the dog as potentially dangerous, dangerous, restricted, or prohibited, as the case may be, and the Dog Designation Appeal Committee may decide to substitute its own designation or its own requirements of the owner of a potentially dangerous, dangerous, restricted, or prohibited dog;
 - d) a statement that any decision of the Dog Designation Appeal Committee may be substituted, varied, affirmed or rescinded by Council.
 - e) a statement that the owner must muzzle the dog at all times when it is off the property of the owner until this notice becomes a confirmed designation and thereafter shall comply with the requirements of the confirmed designation;
 - f) a statement that this notice will become a confirmed designation upon expiry of the time for requesting a hearing if an hearing has not been requested and that if a hearing is requested this notice will become a confirmed designation upon the day that Council affirms or ratifies, rescinds, varies or substitutes any decision of the Dog Designation Appeal Committee;
 - g) where the notice is a designation of a dog that is subject to a previous confirmed designation, a statement that the owner must additionally comply with the terms of the previous designation at all times until this notice becomes a confirmed designation and thereafter shall comply with the requirements of the new confirmed designation, and

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- h) where the animal services provider has designated the dog as a prohibited dog, a statement that the dog will be disposed of in a humane manner

ARTICLE 3 CONDITIONS OF POTENTIALLY DANGEROUS, DANGEROUS, AND RESTRICTED DESIGNATIONS

- 420.3.1** Where the animal services provider designates a dog as a potentially dangerous dog, dangerous dog, or restricted dog and serves the owner with notice of such designation, the animal services provider shall include each of the conditions set out in Article 5 and may, at the animal services provider's discretion, include any of the conditions set out in Article 4.
- 420.3.2** Where the animal services provider designates a dog as a restricted dog, the animal services provider shall also include the conditions set out in Article 6.

ARTICLE 4 OPTIONAL CONDITIONS

- 420.4.1** The owner shall ensure that the designated dog is kept, when it is on the lands and premises of the owner, confined:
- a) within the dwelling;
 - b) in an outdoor pen that is both secure and provides humane shelter to the satisfaction of the animal services provider;
 - c) in an area with a secure and adequate fence to the satisfaction of the animal services provider however the animal services provider may refuse to approve any fenced area if, in the sole discretion of the animal services provider, a fenced area would provide insufficient protection to members of the public including unsupervised children who may wander into the area; or
 - d) when outside of the dwelling and the approved pen or fenced area contemplated by subsections (b) and (c), under the effective control of a person of at least sixteen years of age and under leash such leash not to exceed 1.8 metres (6 feet) in length and to be approved by the animal services provider and, where the dog is required to wear a muzzle off its property by this designation shall also wear a muzzle when confined in accordance with this subsection (d)

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- 420.4.2** The owner shall ensure that the designated dog is kept caged, penned, or under the control of a person of at least sixteen years of age when any child under the age of fourteen is in the owner's dwelling
- 420.4.3** The owner shall ensure that the designated dog is kept caged, penned, or under the control of a person of at least sixteen years of age when any child under the age of fourteen who does not habitually reside in the owner's dwelling is present.
- 420.4.4** The owner shall ensure that the designated dog is kept caged, penned, in a locked room not accessible to children or through inadvertence, or under the control of an occupant of the dwelling who is at least 18 years of age when any person who does not habitually reside in the owner's dwelling is present
- 420.4.5** The owner shall ensure that the designated dog is kept under the effective control of a person of at least sixteen years of age and under leash, such leash not to exceed 1.8 metres (6 feet) in length and to be approved by the animal services provider, at all times when the designated dog is off the owner's property and not caged or otherwise penned or confined to the satisfaction of the animal services provider.
- 420.4.6** The owner shall ensure that the designated dog wears a securely attached muzzle that is satisfactory to the animal services provider at all times when it is off the owner's property and not caged or otherwise penned or confined to the satisfaction of the animal services provider.
- 420.4.7** The owner shall ensure that the warning signs or signs provided by the animal services provider are displayed at the entrance to the owner's dwelling which a person would normally approach and at any other place on the property as directed by the animal services provider. The sign(s) shall be posted in such a manner that it/they cannot be easily removed by passersby and the sign posted at the entrance which a person would normally approach must be clearly visible to a person approaching the entrance or, when in a multiple unit dwelling, the owner will provide the name of the property owner and property manager if any and allow the animal services provider to request that person to post a sign or signs
- 420.4.8** The owner shall ensure that the designated dog is sterilized and shall provide proof satisfactory to the animal services provider that such procedure has been performed within 30 days of this designation becoming a confirmed designation.

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- 420.4.9** The owner shall ensure that the designated dog is not kept or harboured in a multiple unit dwelling or lodging house and where the owner's current dwelling is a multiple unit dwelling or lodging house the dog may be kept or harboured at other premises subject to all the conditions imposed on the keeping of the dog pursuant to this designation
- 420.4.10** The owner may allow the designated dog to enter a City Off-Leash Park without a muzzle or leash provided all other conditions of this designation and all other rules of the Off- Leash Park as set out in the City's Responsible Dog Ownership By-law and as posted at the Off-Leash Park are complied with.
- 420.4.11** The owner shall ensure that the designated dog is microchipped by a licensed veterinarian and supply the microchip information to the animal services provider. The owner shall also permit the animal services provider to verify the implantation of such microchip.

ARTICLE 5 MANDATORY CONDITIONS

- 420.5.1** The owner shall ensure that all conditions pertaining to the dog when it is off the property of the owner including any leashing and muzzling requirements are complied with in any City Off-Leash Park unless specified otherwise in this designation
- 420.5.2** The owner shall ensure that the animal services provider is provided with the new address and telephone number of the owner within two working days of moving the designated dog.
- 420.5.3** The owner shall provide the animal services provider with the name, address and telephone number of the new owner within two working days of selling or giving away the designated dog.
- 420.5.4** The owner shall advise the animal services provider within two working days of the death of the designated dog.
- 420.5.5** The owner shall advise the animal services provider forthwith if the designated dog runs at large or has bitten or attacked any person or animal
- 420.5.6** The owner shall provide a copy of this designation to any person who keeps or harbours the designated dog.

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- 420.5.7** The owner shall provide a copy of this designation to any veterinarian treating the designated dog and within the veterinarian's premises shall be exempt from the requirements of this designation to the extent necessary to secure veterinary treatment for the dog at the discretion of the veterinarian.
- 420.5.8** The owner shall ensure that the designated dog has a current City dog licence.
- 420.5.9** The owner shall ensure that the designated dog wears the tag or tags provided by the animal services provider at all times and shall pay the reasonable cost for such tag or tags.

ARTICLE 6 ADDITIONAL MANDATORY CONDITIONS FOR RESTRICTED DOGS

- 420.6.1** The owner of the restricted dog shall ensure that the dog is kept only in accordance with all applicable requirements of the *Dog Owners' Liability Act* and the regulations thereunder.
- 420.6.2** The owner of the restricted dog shall notify the animal services provider within two working days of whelping in the event the restricted dog has a litter. The owner shall deliver the offspring to the shelter facility within six weeks of whelping to be disposed of in a humane manner or provide proof satisfactory to the animal services provider that the animals have been removed from the City to a location not prohibited by the *Dog Owners' Liability Act*.

ARTICLE 7 PROHIBITED DOGS

- 420.7.1** Where the animal services provider designates a dog as a prohibited dog, the animal services provider shall serve notice upon the owner of such dog. If the animal services provider has not seized and impounded the prohibited dog, the notice shall require the owner, upon receipt of such notice, to deliver the prohibited dog within six working days to the shelter facility or provide proof satisfactory to the animal services provider that the dog has been removed from the City to a location not prohibited by the *Dog Owners' Liability Act*.

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ARTICLE 8 FORMERLY PROHIBITED DOGS THAT BECAME RESTRICTED DOGS

- 420.8.1** Every Pit Bull dog designated as a prohibited dog prior to April 7, 2008 where it is demonstrated to the satisfaction of the animal services provider that the dog,
- a) was owned by a resident of Ontario on August 29, 2005 or was born in Ontario within ninety days of August 29, 2005; and
 - b) is being kept in accordance with the Dog Owners' Liability Act, and the regulations thereunder, is hereby deemed to be a restricted dog.
- 420.8.2** For every Pit Bull Dog deemed to be a restricted dog by article 420.8.1, in place of the terms and conditions set out in the original designation document the owner shall comply with all of the following conditions:
- a) to keep the dog when it is on the lands and premises of the owner, confined
 - (i) within the owner's dwelling;
 - (ii) in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimetres (1 foot), or as otherwise approved by the animal services provider. The pen shall provide humane shelter for the restricted dog while preventing it from escaping therefrom and preventing entry therein of unsupervised children; or
 - (iii) when outside of the dwelling and the approved pen contemplated by subsection (ii), under the effective control of a person of at least sixteen years of age and under leash, such leash not to exceed 1.8 metres (6 feet) in length and to be approved by the animal services provider and wearing a muzzle approved by the animal services provider;
 - b) to keep the dog under the effective control of a person of at least sixteen years of age and under leash, such leash not to exceed 1.8 metres (6 feet) in length and to be approved by the animal services provider, at all times when the restricted dog is off the owner's property and not caged or otherwise penned or confined to the satisfaction of the animal services provider;

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- c) to securely attach a muzzle as defined in this chapter to the dog at all times when it is off the owner's property and not caged or otherwise penned or confined to the satisfaction of the animal services provider;
- d) to have a microchip inserted in the dog by a licensed veterinarian, to provide evidence satisfactory to the animal services provider that the dog has been implanted with a microchip, and to supply the microchip information to the animal services provider;
- e) to provide the animal services provider with the new address and telephone number of the owner within two working days of moving the dog;
- f) to provide the animal services provider with the name, address and telephone number of any new owner of the dog within two working days of transferring the dog;
- g) to advise the animal services provider within two working days of the death of the dog;
- h) to advise the animal services provider forthwith if the dog is running at large or has bitten or attacked any person or animal;
- i) to purchase and display at the entrance to the owner's dwelling which a person would normally approach and at any other place on the property as directed by the animal services provider, a warning sign or warning signs provided by the animal services provider. The sign(s) shall be posted in such a manner that it/they cannot be easily removed by passersby and the sign posted at the entrance which a person would normally approach must be clearly visible to a person approaching the entrance or, if renting a property, the owner will provide the name of the property owner and property manager, if any, and allow the animal services provider to request that person to post a sign or signs;
- (j) to provide proof satisfactory to the animal services provider that the dog has been sterilized
- (k) to provide a copy of these requirements and notice of the dog's restricted status to any person who keeps or harbours the dog;
- (l) to cause the dog to wear a tag or tags provided by the animal services provider at all times and to pay the reasonable cost for such tag or tags; and

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- (m) to ensure that the dog has a current City dog licence.

ARTICLE 9

APPEAL HEARINGS - DOG DESIGNATION APPEAL COMMITTEE

- 420.9.1** Where the owner of a dog who receives a notice from the animal services provider designating such dog as a potentially dangerous dog, a dangerous dog, a restricted dog or a prohibited dog requests an appeal hearing in writing to the Clerk within five working days of receipt of such notice, the Dog Designation Appeal Committee shall endeavour to hold an appeal hearing pursuant to the provisions of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S 22* within forty-five working days of the Clerk's receipt of the request for an appeal hearing or as soon thereafter as possible.
- 420.9.2** When a dog has been designated by the animal services provider as a potentially dangerous dog, dangerous dog, restricted dog, or a prohibited dog and when an appeal hearing has been requested the Dog Designation Appeal Committee may do any of the following:
- (a) affirm or rescind the animal services provider's designation of the dog;
 - (b) substitute its own designation of the dog as potentially dangerous, dangerous, restricted, or prohibited; and
 - (c) substitute its own requirements of the owner of the dog including requirements the Dog Designation Appeal Committee may tailor to the specific circumstances before it, or uphold or vary the requirements imposed by the animal services provider
- 420.9.3** When considering a prohibited dog designation or when considering substituting a prohibited dog designation for any other designation and where the dog is not yet full grown, the Dog Designation Appeal Committee may adjourn the hearing to a later date if in the opinion of the Dog Designation Appeal Committee it will have more complete or useful evidence to assess at that time with respect to the breed of the dog.
- 420.9.4** When the Dog Designation Appeal Committee upholds a prohibited dog designation or substitutes any designation with a prohibited dog designation, it must require the owner to deliver the dog to the shelter facility or to provide evidence satisfactory to the animal services provider that the dog has been removed from the City and shall specify a deadline for the owner to comply but the Committee may also

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- (a) specify or extend the time given by the animal services provider for surrendering or removing the dog to allow the owner additional time to make arrangements to remove the dog from the City and/or
- (b) impose interim restrictions on the keeping of the dog until such time as it is removed from the City.

420.9.4 Any decision of the Dog Designation Appeal Committee must be ratified or affirmed by Council before taking effect and Council may ratify or affirm, rescind, add to, vary, or substitute the designation and any of the restrictions imposed upon the keeping of a dog set out in the decision of the Dog Designation Appeal Committee.

420.9.5 Where a person has requested a hearing and does not appear at the appointed time, the Dog Designation Appeal Committee may dismiss the hearing as abandoned or may, where it has cause to believe it would be beneficial to do so, adjourn the hearing to allow the owner an opportunity to be present. If the hearing is dismissed as abandoned by the Dog Designation Appeal Committee, the designation and requirements set out by the animal services provider in the notice of designation shall stand. Notwithstanding anything else in this section, where a person has requested an appeal hearing for a prohibited dog designation and does not appear at the appointed time, the Dog Designation Appeal Committee shall not dismiss the appeal hearing as abandoned but shall hear and consider evidence before rendering its decision. This requirement does not preclude the Dog Designation Appeal Committee from adjourning the appeal hearing as contemplated herein.

420.9.6 A person who has received a dog designation and requested an appeal may withdraw their appeal at any time and in any manner acceptable to the City's Committee Administrator which may at the discretion of the City's Committee Administrator include withdrawal by phone, e-mail, or verbal or written request.

ARTICLE 10 RESCINDING OR RECONSIDERATION OF DOG DESIGNATIONS

420.10.1 Where a dog has been designated as potentially dangerous or dangerous solely due to running at large, the animal services provider may, in its sole discretion, rescind that designation where the dog has been transferred to a new owner or is now owned by the animal services provider. By-law No. 2019-021, 4 March 2019

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- 420.10.2** The animal services provider may make application to the Dog Designation Appeal Committee to rescind or alter a confirmed dog designation where, in the sole opinion of the animal services provider, there has been a material change in circumstances that merits a reconsideration of the designation. Notice of such application shall be given to any known owner(s) of the designated dog and such owner(s) are entitled to attend and give evidence at any such reconsideration hearing. Any decision of the Dog Designation Appeal Committee is subject to Council's authority pursuant to article 4 of this chapter.

ARTICLE 11 REQUIREMENTS FOR OWNERS OF DESIGNATED DOGS

- 420.11.1** Where any owner receives or becomes aware of a notice designating a dog as potentially dangerous, dangerous, restricted, or prohibited, that owner shall ensure that the dog wears a muzzle at all times when off the property of the owner until the notice is either rescinded or becomes a confirmed designation.
- 420.11.2** Where a dog is designated that is the subject of a previous confirmed designation, the owner shall comply with all conditions of the previous confirmed designation until the new designation becomes a confirmed designation.
- 420.11.3** Every owner and every person who keeps or harbours a designated dog shall comply with the terms of the confirmed designation whether such confirmed designation was issued pursuant to this chapter or any former City by-law.
- 420.11.4** Any requirements for designated dogs pursuant to this chapter are in addition to the requirements of the City's Responsible Dog Ownership By-law.
- 420.11.5** No person shall keep or harbour a prohibited dog unless in accordance with the terms of a confirmed designation.
- 420.11.6** Every subsequent owner of a dog that is or was the subject of any confirmed designation shall comply with the requirements of the confirmed designation as if he/she were the owner of the dog at the time the notice designating the dog was issued.
- 420.11.7** The animal services provider shall endeavour to give notice of the requirements accompanying a dog that is the subject of any confirmed designation to any of its subsequent owners should the animal services provider become aware that ownership of the dog has changed.

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ARTICLE 12 POWERS OF ENTRY AND INSPECTION POWERS

- 420.12.1** 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 chapter or a Confirmed Designation made under this or any former by-law of the City is being complied with.
- 420.12.2** For the purposes of an inspection pursuant to this chapter, 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.
- 420.12.3** Notwithstanding articles 420.12.1 and 420.12.2 inspections of a room or place actually being used as a dwelling unit shall comply with the requirements of the *Municipal Act, 2001*.

ARTICLE 13 OFFENCES AND PENALTIES

- 420.13.1** Every person who contravenes any provision of this chapter is guilty of an offence and is liable, upon conviction, to a fine for each offence, not exceeding:
- a) on a first offence under this chapter, five thousand dollars (\$5,000);
 - b) on a second offence under this chapter, ten thousand dollars (\$10,000) and
 - c) on a third or subsequent offence under this chapter, twenty five thousand dollars (\$25,000).
- 420.13.2** The fines amounts in article 420.13.1 above are exclusive of costs and are recoverable under the *Provincial Offences Act, R.S.O., 1990, c. P.33*.

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ARTICLE 14 ADMINISTRATIVE PROVISIONS

- 420.14.1** This by-law shall be known as the "Dog Designations By-law".
- 420.14.2** It is hereby declared that each and every of the foregoing sections of this chapter is severable and that, if any provisions of this chapter 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
- 420.14.3** This by-law comes into force and effect on January 1, 2015 by By-law 2014-142, 15 December 2014
- 420.14.4** The Clerk of the City is hereby directed to make this by-law a part of The City of Kitchener Municipal Code by adding it to the Concordance and arranging and numbering it so as to fit within the scheme of the Code. By-law 2018-010, 29. January 2018 By-law No. 2019-021. 4 March 2019.

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SCHEDULE 'A' - BREED STANDARDS

AMERICAN PIT BULL TERRIER

OFFICIAL UNITED KENNEL CLUB (UKC) STANDARD

(As revised by UKC on October 21, 2004)

History

Sometime during the nineteenth century, dog fanciers in England, Ireland, and Scotland began to experiment with crosses between Bulldogs and Terriers, looking for a dog that combined the gameness of the terrier with the strength and athleticism of the Bulldog. The result was a dog that embodied all of the virtues attributed to great warriors: strength, indomitable courage, and gentleness with loved ones. Immigrants brought these bull and terrier crosses to the United States. The American Pit Bull Terrier's many talents did not go unnoticed by farmers and ranchers who used their APBTs for protection, as catch dogs for semi-wild cattle and hogs, to hunt, to drive livestock, and as family companions. Today, the American Pit Bull Terrier continues to demonstrate its versatility, competing successfully in Obedience, Tracking, Agility, Protection, and Weight Pulls, as well as Conformation. The United Kennel Club was the first registry to recognize the American Pit Bull Terrier. U.K.C. founder C. Z. Bennett assigned U.K.C. registration number 1 to his own APBT, Bennett's Ring in 1898.

General Appearance

The American Pit Bull Terrier is a medium-sized, solidly built, short-coated dog with smooth, well-defined musculature. This breed is both powerful and athletic. The body is just slightly longer than tall, but bitches maybe somewhat longer in body than dogs. The length of the front leg (measured from point of elbow to the ground) is approximately equal to one-half of the dog's height at the withers. The head is of medium length, with a broad, flat skull, and a wide, deep muzzle. Ears are small to medium in size, high set, and may be natural or cropped. The relatively short tail is set low, thick at the base and tapers to a point. The American Pit Bull Terrier comes in all colours and colour patterns. This breed combines strength and athleticism with grace and agility and should never appear bulky or muscle-bound or fine-boned and rangy.

Characteristics

The essential characteristics of the American Pit Bull Terrier are strength, confidence, and zest for life. This breed is eager to please and brimming over with enthusiasm. APBTs make excellent family companions and have always been noted for their love of children. Because most APBTs exhibit some level of dog aggression and because of its powerful physique, the APBT requires an owner who will carefully socialize and obedience train the dog. The breed's natural agility makes it one of the most capable canine climbers so good fencing is a must for this breed. The APBT is not the best choice for a guard dog since they are extremely friendly, even with strangers. Aggressive behaviour toward humans is uncharacteristic of the breed and highly undesirable. This breed does very well in performance events because of its high level of intelligence and its willingness to work. The American Pit Bull Terrier has always been capable of doing

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a wide variety of jobs so exaggerations or faults should be penalized in proportion to how much they interfere with the dog's versatility.

Head

The APBT head is unique and a key element of breed type. It is large and broad, giving the impression of great power, but it is not disproportionate to the size of the body. Viewed from the front, the head is shaped like a broad, blunt wedge. When viewed from the side, the skull and muzzle are parallel to one another and joined by a well defined, moderately deep stop.

Supraorbital arches over the eyes are well defined but not pronounced. The head is well chiseled, blending strength, elegance, and character.

SKULL - The skull is large, flat or slightly rounded, deep, and broad between the ears. Viewed from the top, the skull tapers just slightly toward the stop. There is a deep median furrow that diminishes in depth from the stop to the occiput. Cheek muscles are prominent but free of wrinkles. When the dog is concentrating, wrinkles form on the forehead, which give the APBT his unique expression.

MUZZLE - The muzzle is broad and deep with a very slight taper from the stop to the nose, and a slight falling away under the eyes. The length of muzzle is shorter than the length of skull, with a ratio of approximately 2:3. The topline of the muzzle is straight. The lower jaw is well developed, wide and deep. Lips are clean and tight.

Faults: Snipey muzzle; flews; weak lower jaw.

TEETH - The American Pit Bull Terrier has a complete set of evenly spaced, white teeth meeting in a scissors bite.

Fault: Level bite.

Serious Faults: Undershot or overshot bite; wry mouth; missing teeth (this does not apply to teeth that have been lost or removed by a veterinarian).

NOSE - The nose is large with wide, open nostrils. The nose may be any colour.

EYES - Eyes are medium size, round to almond-shaped, and set well apart and low on the skull. All colours are equally acceptable except blue, which is a serious fault. Haw should not be visible.

Serious Faults: Bulging eyes; both eyes not matched in colour; blue eyes. **EARS** - Ears are high set and may be natural or cropped without preference.

If natural, semi-prick or rose are preferred. Prick or flat, wide ears are not desired.

Neck

The neck is of moderate length and muscular. There is a slight arch at the crest. The neck widens gradually from where it joins the skull to where it blends into well laid-back shoulders. The skin on the neck is tight and without dewlap.

Faults: Neck too short and thick; thin or weak neck; ewe neck; dewlap.

Forequarters

The shoulder blades are long, wide, muscular, and well laid back. The upper arm is roughly equal in length to the shoulder blade and joins it at an apparent right angle. The forelegs are strong and muscular. The elbows are set close to the body. Viewed from the front, the forelegs are set moderately wide apart and perpendicular to the ground.

The pasterns are short, powerful, straight, and flexible. When viewed in profile, the

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pasterns are nearly erect.

Faults. Upright or loaded shoulders, elbows turned outward or tied-in; down at the pasterns, front legs bowed, wrists knuckled over, toeing in or out

Body

The chest is deep, well filled in, and moderately wide with ample room for heart and lungs, but the chest should never be wider than it is deep. The forechest does not extend much beyond the point of shoulder. The ribs extend well back and are well sprung from the spine, then flattening to form a deep body extending to the elbows. The back is strong and firm. The topline inclines very slightly downward from the withers to a broad, muscular, level back. The loin is short, muscular and slightly arched to the top of the croup, but narrower than the rib cage and with a moderate tuck-up. The croup is slightly sloping downward.

Hindquarters

The hindquarters are strong, muscular, and moderately broad. The rump is well filled in on each side of the tail and deep from the pelvis to the crotch. The bone, angulation, and musculature of the hindquarters are in balance with the forequarters. The thighs are well developed with thick, easily discerned muscles. Viewed from the side, the hock joint is well bent and the rear pasterns are well set down and perpendicular to the ground. Viewed from the rear, the rear pasterns are straight and parallel to one another.

Faults. Narrow hindquarters; hindquarters shallow from pelvis to crotch; lack of muscle; straight or over angulated stifle joint; cow hocks; sickle hocks; bowed legs.

Feet

The feet are round, proportionate to the size of the dog, well arched, and tight. Pads are hard, tough, and well cushioned. Dewclaws may be removed.

Fault. Splayed feet.

Tail

The tail is set on as a natural extension of the topline, and tapers to a point. When the dog is relaxed, the tail is carried low and extends approximately to the hock. When the dog is moving, the tail is carried level with the backline. When the dog is excited, the tail may be carried in a raised, upright position (challenge tail), but never curled over the back (gay tail).

Fault: Long tail (tail tip passes beyond point of hock).

Serious faults: Gay tail (not to be confused with challenge tail), kinked tail.

Disqualification. Bobbed tail

Coat

The coat is glossy and smooth, close, and moderately stiff to the touch.

Faults: Curly, wavy, or sparse coat

Disqualification: Long coat.

Colour

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Any colour, colour pattern, or combination of colours is acceptable, except for merle
Disqualification: Merle

Height and Weight

The American Pit Bull Terrier must be both powerful and agile so actual weight and height are less important than the correct proportion of weight to height. Desirable weight for a mature male in good condition is between 35 and 60 pounds. Desirable weight for a mature female in good condition is between 30 and 50 pounds. Dogs over these weights are not to be penalized unless they are disproportionately massive or rangy.

Gait

The American Pit Bull Terrier moves with a jaunty, confident attitude, conveying the impression that he expects any minute to see something new and exciting. When trotting, the gait is effortless, smooth, powerful, and well coordinated, showing good reach in front and drive behind. When moving, the backline remains level with only a slight flexing to indicate suppleness. Viewed from any position, legs turn neither in nor out, nor do feet cross or interfere with each other. As speed increases, feet tend to converge toward centre line of balance.

Faults: Legs not moving on the same plane, legs over reaching, legs crossing over in front or rear, rear legs moving too close or touching, rolling, pacing, paddling, sidwinding, hackney action, pounding.

Disqualifications

Unilateral or bilateral cryptorchid, Viciousness or extreme shyness, Unilateral or bilateral deafness, Bobbed tail, Albinism, Merle, Long coat. Note: Although some level of dog aggression is characteristic of this breed, handlers will be expected to comply with U.K.C. policy regarding dog temperament at U.K.C. events.

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STAFFORDSHIRE BULL TERRIER OFFICIAL CANADIAN KENNEL CLUB (CKC) STANDARD

General Appearance

The Staffordshire bull terrier is a smooth-coated dog. He should be of great strength for his size, and although muscular, should be active and agile

Temperament

From the past history of the Staffordshire Bull Terrier, the modern dog draws his character of indomitable courage, high intelligence and tenacity. This coupled with his affection for his friends, and children in particular, his off-duty quietness and trustworthy stability, makes him the foremost all-purpose dog.

Size

Weight. Dogs, 28 - 38 lbs (13-17 kg).

Bitches 24-33 lbs (11-15 kg)

Height (at shoulder) 14-16 inches (36-41 cm), these heights being related to the weights.

Coat and Colour

Coat smooth, short and close to the skin. Colour red, fawn, white, black or blue, or any of these colours with white. Any shade of brindle, or any shade of brindle with white. Black and tan or liver colour not to be encouraged.

Head

Short, deep through, broad skull, very pronounced cheek muscles, distinct stop, short foreface, black nose. The mouth should be level, i.e. the incisors of the bottom jaw should fit closely inside the incisors of the top jaw, and the lips should be tight and clean. Eyes: dark preferable but may bear some relation to coat colour. Round, of medium size, and set to look straight ahead. Ears rose or half-pricked and not large.

Neck

Muscular, rather short, clean in outline and gradually widening towards the shoulders.

Forequarters

Legs straight and well boned, set rather wide apart, without looseness at the shoulders, and showing no weakness at the pasterns, from which point the feet turn out a little.

Body

The body should be close-coupled, with a level topline, wide front, deep brisket, well-sprung ribs and rather light in the loins.

Hindquarters

Should be well muscled, hocks let down with stifles well bent. Legs should be parallel when viewed from behind. The feet should be well padded, strong and of medium size.

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Tail

Should be of medium length, low set, tapering to a point and carried rather low. It should not curl much and may be likened to an old-fashioned pump handle

Faults

To be penalized in accordance with the severity of the fault. Light eyes or pink eye rims. Tail too long or badly curled. Non-conformation to the limits of weight or height. Full drop and prick ears

Undershot or overshot mouths. The following faults should debar a dog from winning any prize: Pink (Dudley) nose. Badly undershot or overshot mouth. Badly undershot: where the lower jaw protrudes to such an extent that the incisors of the lower jaw do not touch those of the upper jaw. Badly overshot, where the upper jaw protrudes to such an extent that the incisors of the upper jaw do not touch those of the lower jaw

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STAFFORDSHIRE BULL TERRIER

OFFICIAL AMERICAN KENNEL CLUB (AKC) BREED STANDARD

(As approved by AKC on November 14, 1989,

Effective January 1, 1990)

General Appearance

The Staffordshire Bull Terrier is a smooth-coated dog. It should be of great strength for its size and, although muscular, should be active and agile.

Size, Proportion, Substance

Height at shoulder, 14 to 16 inches. Weight: Dogs, 28 to 38 pounds, bitches, 24 to 34 pounds, these heights being related to weights. Non-conformity with these limits is a fault. In proportion, the length of back from withers to tail set, is equal to the distance from withers to ground.

Head

Short, deep through, broad skull, very pronounced cheek muscles, distinct stop, short foreface, black nose. Pink (Dudley) nose to be considered a serious fault. Eyes - Dark preferable, but may bear some relation to coat colour. Round, of medium size, and set to look straight ahead. Light eyes or pink eye rims to be considered a fault, except that where the coat surrounding the eye is white the eye rim may be pink. Ears - Rose or half-pricked and not large. Full drop or full prick to be considered a serious fault. Mouth - A bite in which the outer side of the lower incisors touches the inner side of the upper incisors. The lips should be tight and clean. The badly undershot or overshot bite is a serious fault.

Neck. Topline. Body

The neck is muscular, rather short, clean in outline and gradually widening toward the shoulders. The body is close coupled, with a level topline, wide front, deep brisket and well sprung ribs being rather light in the loins. The tail is undocked, of medium length, low set, tapering to a point and carried rather low. It should not curl much and may be likened to an old-fashioned pump handle. A tail that is too long or badly curled is a fault.

Forequarters

Legs straight and well boned, set rather far apart, without looseness at the shoulders and showing no weakness at the pasterns, from which point the feet turn out a little. Dewclaws on the forelegs may be removed. The feet should be well padded, strong and of medium size.

Hindquarters

The hindquarters should be well muscled, hocks let down with stifles well bent. Legs should be parallel when viewed from behind. Dewclaws, if any, on the hind legs are generally removed. Feet as in front.

Coat

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Smooth, short and close to the skin, not to be trimmed or de-whiskered

Colour

Red, fawn, white, black or blue, or any of these colours with white. Any shade of brindle or any shade of brindle with white. Black-and-tan or liver colour to be disqualified

Gait

Free, powerful and agile with economy of effort. Legs moving parallel when viewed from front or rear. Discernible drive from hind legs.

Temperament

From the past history of the Staffordshire Bull Terrier, the modern dog draws its character of indomitable courage, high intelligence, and tenacity. This, coupled with its affection for its friends, and children in particular, its off-duty quietness and trustworthy stability, makes it a foremost all-purpose dog

Disqualification

Black-and-tan or liver colour.

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AMERICAN STAFFORDSHIRE TERRIER OFFICIAL CANADIAN KENNEL CLUB (CKC) BREED STANDARD

General Appearance

The Staffordshire Terrier should give the impression of great strength for his size, a well put-together dog, muscular, but agile and graceful, keenly alive to his surroundings. He should be stocky, not long-legged or racy in outline. His courage is proverbial.

Size

Height and weight should be in proportion. A height of about 18-19 inches (46-48 cm) at shoulders for the male and 17-18 inches (43-46 cm) for the females is to be considered preferable.

Coat and Colour

Coat short, close, stiff to the touch, and glossy. Any colour, solid, parti, or patched is permissible, but all white, more than 80 percent white, black and tan, and liver not to be encouraged.

Head

Medium length, deep through, broad skull, very pronounced cheek muscles, distinct stop, muzzle medium length, rounded on upper side to fall away abruptly below eyes. Jaws well defined. Underjaw to be strong and have biting power. Lips close and even, no looseness. Nose definitely black. Upper teeth to meet tightly outside lower teeth in front. Eyes dark and round, low down in skull and set far apart. No pink eyelids. Ears set high, cropped or uncropped, the latter preferred. Uncropped ears should be short and held half rose or prick.

Neck

Heavy, slightly arched, tapering from shoulders to back of skull. No looseness of skin. Medium length.

Forequarters

Shoulders strong and muscular with blades wide and sloping. Forelegs set rather wide apart to permit chest development. The front legs should be straight, large or round bones, pastern upright. No resemblance of bend in front.

Body

Back fairly short. Slight sloping from withers to rump with gentle short slope at rump to base of tail. Well-sprung ribs, deep in rear. All ribs close together. Chest, deep and broad. Loins slightly tucked.

Hindquarters

Well muscled, let down at hocks, turning neither in nor out. Feet of moderate size, well arched and compact.

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Tail

Short in comparison to size. low set. tapering to a fine point, not curled or held over back. Not docked.

Gait

Must be springy but without roll or pace.

Faults

Faults to be penalized are Dudley nose, light or pink eyes, undershot or overshot mouth, full drop ears tail too long or badly carried

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AMERICAN STAFFORDSHIRE TERRIER OFFICIAL AMERICAN KENNEL CLUB (AKC) BREED STANDARD (As approved by AKC on June 10, 1936)

General Impression

The American Staffordshire Terrier should give the impression of great strength for his size a well put-together dog muscular, but agile and graceful, keenly alive to his surroundings. He should be stocky, not long-legged or racy in outline. His courage is proverbial.

Head

Medium length, deep through, broad skull, very pronounced cheek muscles, distinct stop; and ears are set high. Ears - Cropped or uncropped, the latter preferred. Uncropped ears should be short and held rose or half prick. Full drop to be penalized. Eyes - Dark and round, low down in skull and set far apart. No pink eyelids. Muzzle - Medium length, rounded on upper side to fall away abruptly below eyes. Jaws well defined. Underjaw to be strong and have biting power. Lips close and even, no looseness. Upper teeth to meet tightly outside lower teeth in front. Nose definitely black.

Neck

Heavy, slightly arched, tapering from shoulders to back of skull. No looseness of skin. Medium length.

Shoulders

Strong and muscular with blades wide and sloping.

Back

Fairly short. Slight sloping from withers to rump with gentle short slope at rump to base of tail. Loins slightly tucked.

Body

Well-sprung ribs, deep in rear. All ribs close together. Forelegs set rather wide apart to permit chest development. Chest deep and broad.

Tail

Short in comparison to size, low set, tapering to a fine point; not curled or held over back. Not docked.

Legs

The front legs should be straight, large or round bones, pastern upright. No resemblance of bend in front. Hindquarters well-muscled, let down at hocks, turning neither in nor out. Feet of moderate size, well-arched and compact. Gait must be springy but without roll or pace.

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Coat

Short, close stiff to the touch, and glossy.

Colour

Any colour solid, parti, or patched is permissible but all white more than 80 per cent white, black and tan, and liver not to be encouraged.

Size

Height and weight should be in proportion. A height of about 18 to 19 inches at shoulders for the male and 17 to 18 inches for the female is to be considered preferable.

Faults

Faults to be penalized are. Dudley nose, light or pink eyes, tail too long or badly carried, undershot or overshot mouths

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Chapter 421

DOG - RESPONSIBLE OWNERSHIP

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**ARTICLE 1
DEFINITIONS AND INTERPRETATIONS**

421.1.1 "animal services provider" - defined

"animal services provider" means The Humane Society of Kitchener Waterloo & Stratford Perth" which was formerly known as the "Kitchener-Waterloo and North Waterloo Humane Society" and also as "The Animal Welfare Agency South Central Ontario" and which is still commonly referred to in the community as the "Humane Society" and as the "KWHS" and shall include its officers and employees. By-law No. 2018-009, 29 January 2018; By-law No. 2019-020, 4 March 2019.

421.1.2 "boarding kennel" - defined

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

421.1.3 "breeding kennel" - defined

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

421.1.4 "City" - defined

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

421.1.5 "Class 1 Doggie Daycare" - defined

"Class 1 Doggie Daycare" shall be as defined in Chapter 531 of The City of Kitchener Municipal Code or any successor chapter thereto.

421.1.6 "Class II Doggie Daycare" - defined

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

421.1.7 "Confirmed Designation" - defined

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

421.1.8 "Council" - defined

"Council" means the Council of the City.

421.1.9 "distress" or "distressed" – defined

"distress" or "distressed" shall have the definition given to the word "distress" in the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990.c.O.36. No. 2019-020, 4 March 2019.

421.1.10 "designated dog" - defined

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

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421.1.11 "dog" - defined

"dog" means any dog, male or female.

421.1.12 "dog free zone" - defined

"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.

421.1.13 "doggie daycare" - defined

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

421.1.14 "electronic containment device" - defined

"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.

421.1.15 "mitigating factor" - defined

"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.

421.1.16 "officer" - defined

"officer" shall include a municipal law enforcement officer, a by-law officer, an employee of the animal services provider, an agent or inspector appointed pursuant to the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. 0.36, and a member of the Waterloo Regional Police Services. By-law 2018-009, 29 January 2018.

421.1.17 "off leash park" - defined

"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.

421.1.18 "owner" - defined

"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.

421.1.19 "pet shop" - defined

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

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421.1.20 "prohibited dog" - defined

"prohibited dog" shall mean a dog that is a prohibited dog pursuant to the City's Dog Designations Chapter or any predecessor chapter thereto.

421.1.21 "puppy" - defined

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

421.1. "shelter facility"

"shelter facility" shall mean the animal shelter operated by the animal services provider.
By-law 2018-009, 29 January 2018.

ARTICLE 2 LICENSING

421.2.1

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.

421.2.2

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.

421.2.3

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.

421.2.4

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.

421.2.5

Every licence for a dog issued hereunder is personal to the owner thereof and may not be assigned or transferred.

421.2.6

Any licence issued under this chapter or under any former chapter 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.

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ARTICLE 3 SPECIAL LICENSING FEE CATEGORIES

421.3.1

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.

421.3.2

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.

421.3.3

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.

421.3.4

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.

ARTICLE 4 LICENSING TAGS

421.4.1

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.

421.4.2

All licences and tags issued pursuant to this chapter 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.

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ARTICLE 5 REGISTRATION OF PUPPIES

421.5.1

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.

ARTICLE 6 LICENSING AND LICENSING FEE EXEMPTIONS

421.6.1

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.

421.6.2

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.

421.6.3

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.

421.6.4

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.

421.6.5

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 purpose 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.

ARTICLE 7 OWNER REQUIREMENTS

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421.7.1

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.

421.7.2

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.

421.7.3

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

421.7.4

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.

421.7.5

For the purposes of articles 421.7.3 and 421.7.4, no leash shall exceed 2.4 metres (8 feet).

421.7.6

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

421.7.7

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.

421.7.8

Use of an electronic containment device for the purposes of article 421.7.7 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

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- 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.

421.7.9

Notwithstanding article 421.7.3 a dog may be off-leash in an off leash park unless otherwise specified by the City through a confirmed designation or otherwise.

421.7.10

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.

421.7.11

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.

421.7.12

No owner of a dog shall permit the dog to enter or remain in a dog free zone.

421.7.13

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.

421.7.14

No owner shall permit his/her dog to attack any domestic animal or domestic bird, or to fight with, bite, or attack another dog.

421.7.15

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.

ARTICLE 8 DOG WELFARE

421.8.1

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.

421.8.2

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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.

421.8.3

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.

421.8.4

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.

538.8.5

No person shall keep or harbour any dog in a manner that adversely impact 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.

421.8.6

No person or owner shall cause, permit, or allow a dog to be confined in a vehicle:

- (a) at an unsafe temperature; or
 - (b) in any manner that causes or is reasonably likely to cause the dog distress.
- By-law No. 2019-020, 4 March 2019.

421.8.7

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 pickup truck or flatbed 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.

ARTICLE 9 MAXIMUM NUMBER OF DOGS

421.9.1

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.

421.9.2

Article 421.9.1 shall not apply to:

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- (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 animal services provider being fostered in a dwelling unit at its request. By-law 2018-009, 29 January 2018.

421.9.3

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 chapter 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 chapter 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.

421.9.4

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

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set out the decision and reasons therefore in writing.

421.9.5

Notwithstanding article 421.9.1, 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 article 421.9.1 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 chapter or any predecessor chapter respecting dogs shall not be required to obtain a breeding kennel or boarding kennel licence from the City to do so.

ARTICLE 10 IMPOUNDMENT

421.10.1

The animal services provider may seize and impound:

- (a) any dog found running at large; or
- (b) any prohibited dog.

421.10.2

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.

421.10.3

Unless otherwise permitted or directed, the animal services provider shall keep any dog seized for running at large for the minimum redemption period specified by legislation before allowing the dog to be sold or otherwise disposed of. By-law 2018-009, 29 January 2018.

421.10.4

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

421.10.5

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

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- (c) impounded; and
- (c) payment of the cost of any vaccination given pursuant to this chapter.

421.10.6

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 421.10.5 be paid prior to the release of the dog or may require that such fees be paid by a later date.

421.10.7

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.

421.10.8

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

421.10.9

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.

421.10.10

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

421.10.11

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.

421.10.12

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.

421.10.13

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

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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.

421.10.14

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.

421.10.15

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.

421.10.16

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

421.10.17

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

421.10.18

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.

421.10.19

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

ARTICLE 11 POWERS OF ENTRY AND INSPECTION POWERS

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421.11.1

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 chapter is being complied with.

421.11.2

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.

421.11.3

Notwithstanding sections 421.11.1 and 421.11.2, inspections of a room or place actually being used as a dwelling unit shall comply with the requirements of the Municipal Act, 2001.

ARTICLE 12 OFFENCES AND PENALTIES

421.12.1

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

421.12.2

The fines amounts set out in section 421.12.1 above are exclusive of costs and are recoverable under the Provincial Offences Act, R.S.O., 1990, c. P.33.

ARTICLE 13 ADMINISTRATIVE PROVISIONS

421.13.1

This chapter shall be known as the "Responsible Dog Ownership Chapter".

421.13.2

It is hereby declared that each and every of the foregoing sections of this chapter is

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severable and that, if any provisions of this chapter 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.

421.13.3

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 421 are hereby repealed as of January 1, 2015 and this chapter comes into force and effect on January 1, 2015, with By-law 2014-138, 8 December 2014;

421.13.4

The Clerk of the City is hereby directed to make this chapter a part of The City of Kitchener Municipal Code by adding it to the Concordance and arranging and numbering it so as to fit within the scheme of the Code. By-law No. 2018-009, 29 January 2018; By-law No. 2019-020, 4 March 2019.

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SCHEDULE "A"

A person permitted pursuant to section 421.9.5 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.

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Chapter 430 GROUP HOMES - REGISTRATION

Article 1 INTERPRETATION

- 430.1.1 Group home - defined
- 430.1.2 Registrar of group homes - defined

Article 2 GENERAL PROVISIONS

- 430.2.1 Operation - without registration - prohibited
- 430.2.2 Registration - annual - form - Schedule "A"
- 430.2.3 Repealed: By-law 2005-47, 28 February, 2005
- 430.2.4 First registration - notice of information session
- 430.2.5 Registrar - renewal - requirements
- 430.2.6 Fee - first registration
- 430.2.7 Fee - annual - prescribed by Council

Article 3 ENFORCEMENT

- 430.3.1 Fine - for contravention

Article 4 ENACTMENT

- 430.4.1 Effective date

SCHEDULE

Schedule 'A' - Registration form

Article 1

INTERPRETATION

430.1.1 **Group home - defined**

"group home" means a residence funded or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being, By-law 2005-158, 26 August, 2005

430.1.2 **Registrar of group homes - defined**

"registrar of group homes" means the City's Manager, Development Review or designate, By-law 2005-47, 28 February, 2005, By-law 2011-047 28 March, 2011.

Article 2

GENERAL PROVISIONS

430.2.1 **Operation - without registration - prohibited**

No person shall own or operate a group home in the municipality that is not registered in accordance with this Chapter, By Law 2005-158, 26 August 2005.

430.2.2 **Registration - annual - form - Schedule 'A'**

Every owner or operator of a group home in the municipality shall make application to the registrar in the form prescribed by the registrar of group homes for:

- (a) registration of the group home;
- (b) annual renewal of registration of the group home by March 15th in each year thereafter

430.2.3 **Repealed: By-law 2005-47, 28 February, 2005**

430.2.4 First registration - notification of information session

Every owner or operator of a group home shall submit to the City a brief description of the future group home on the owner/operator's letterhead. The City will circulate the information to all property owners within 60 metres (197 feet) of the proposed group home at least twenty days prior to occupancy of the group home. The 60 metres (197 feet) shall be measured from the closest point of the lot lines associated with each lot. By-law 2005-47, 28 February, 2005.

430.2.5 Registrar - renewal - requirements

The registrar:

- (a) report receipt of a completed application in the form prescribed in Section 430.2.2, for the registration or renewal of registration of a group home; and
- (b) issue the registrar's certification of compliance with the City's zoning by-law(s).

shall register or renew the registration of, as the case may be, the group home.

430.2.6 Fee - first registration

Every owner or operator of a group home, prior to first registration, shall pay to the City a one-time fee for the first registration of the group home in such amount as is prescribed by Council from time to time. By-law 2002-158, 26 August, 2002; By-law 2005-47, 28 February, 2005.

430.2.7 Fee annual - prescribed by Council

Every owner or operator of a group home, after first registration, shall pay to the City an annual fee for the renewal of registration of the group home and thereafter in such amount as is prescribed by Council from time to time. By-law 2005-47, 28 February, 2005.

Article 3 ENFORCEMENT

430.3.1 Fine - for contravention

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*.

Article 4
ENACTMENT

4304.1 Effective date

This Chapter shall come into force and take effect on the day of final passage of the enabling by-law. By-law 93-58, 5 March 1993.

GROUP HOMES - REGISTRATION

SCHEDULE

Schedule 'A' - Registration form
CITY OF KITCHENER
COMMUNITY SERVICES DEPARTMENT
GROUP HOME REGISTRATION FORM

Please Print Clearly

a) **Subject Property**

Name of Facility:

Mailing Address
of Facility:

Legal Description:

b) **Operator**

Name of Operator:

Mailing Address:

.....

.....

Contact Person:

Phone:

c) **Licensing or Funding**

Ministry:

Check one or both: Licensed: ☐ Funded: ☐

Act under which licensing or funding is given:

.....

By-law 93-58, 8 March, 1993; Schedule 'A', By-law 2001-224, 26 November, 2001; By-law 2011-027, 18 March, 2011

GENERAL

Chapter 451 NOISE - AIR CONDITIONING DEVICES RESIDENTIAL

Article 1 INTERPRETATION

- 451.1.1 Construction - defined
- 451.1.2 Conveyance - defined
- 451.1.3 Council - defined
- 451.1.4 Minister - defined
- 451.1.5 Ministry - defined
- 451.1.6 Municipality - defined
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- 451.1.10 Quiet zone - defined
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Article 2 SOUND LEVEL LIMITATIONS - STATIONARY SOURCES

- 451.2.1 Emission - exceeding acceptable level - prohibited
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- 451.2.4 Exemption - less restrictive provision to apply

**Article 3
ENFORCEMENT**

451.3.1 Fines for contravention

**Article 4
ENACTMENT**

451.4.1 Ministry approval required
Ministry approval received

SCHEDULE

Schedule "A" List of Publications

**Article 1
INTERPRETATION**

451.1.1 Construction - defined

"construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.

451.1.2 Conveyance - defined

"conveyance" includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only within the premises of a person.

451.1.3 Council - defined

"Council" means the Council of The Corporation of the City of Kuchener.

451.1.4 Minister - defined

"Minister" means Minister of Environment and Energy.

451.1.5 Ministry - defined

"Ministry" means Ministry of Environment and Energy.

451.1.6 Municipality - defined

"municipality" means the land within the geographic limit of the City of Kitchener.

451.1.7 Noise - defined

"noise" means unwanted sound.

451.1.8 Point of reception - defined

"point of reception" means any point on the premises of a person where sound originating from other than those premises is received.

451.1.9 Publication - defined

"publication" means a specified publication of the Ministry of Environment and Energy which is named in Schedule "A", a copy of every publication which is named in Schedule "A" is hereby made part of this Chapter.

451.1.10 Quiet zone - defined

"Quiet Zone" means those areas of the municipality specified as follows:

- (a) all hospitals and lands appurtenant thereto;
- (b) all nursing homes and lands appurtenant thereto;

451.1.11 Residential area - defined

"residential area" means those residential areas of the municipality zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and R-9 from time to time by the City of Kitchener Zoning By-law 85-1 as amended.

451.1.12 Stationary source - defined

"stationary source" means a source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance.

451.1.13 Technical terms - defined

In this Chapter all the words which are of a technical nature and are related to sound shall have the meanings specified for them in Publication NPO - 161 Technical Definitions, By-Law 98-5, 15 January, 1996.

Article 2

SOUND LEVEL LIMITATIONS - STATIONARY SOURCES

451.2.1 Emission - exceeding acceptable level - prohibited

No person shall emit or cause or permit the emission of sound from a stationary source such that the level of sound from that source at the point of reception located in a Quiet Zone or a Residential Area, exceeds the applicable sound level limit prescribed in publication NPC-205 - Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban). By Law 96/30, 26 February, 1996.

451.2.2 Exemption - agricultural equipment

Section 451.2.1 does not apply to any equipment, apparatus or device used in agriculture for road crop seeding, chemical spraying or harvesting.

451.2.3 Residential air conditioner

No person shall emit or cause or permit the emission of sound from the operation of a residential air conditioning device of a type referenced in Publication NPC-216 - Residential Air Conditioning Devices, resulting in a sound level at a point of reception located in a Quiet Zone or Residential Area in excess of the applicable sound level limit set out in Publication NPC-216 - Residential Air Conditioning Devices.

451.2.4 Preemption - less restrictive provision to apply

Where a source of sound is subject to Sections 451.2.1 through 451.2.3 inclusive, the less restrictive provisions shall prevail.

Article 3

ENFORCEMENT

451.3.1 Fine - for contravention

Every person who contravenes any provisions of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, and every such fine is recoverable under the *Provincial Offences Act*.

Article 4

ENACTMENT

451.4.1 Ministry approval - required

This by-law comes into force on the day it is approved by the Minister of Environment and Energy.

NOISE - AIR CONDITIONING DEVICES

Ministry approval - received

Approval of By-law 96-5, as amended, was received July 10, 1986, from the Minister of Environment and Energy. Approval No. 54672

NOISE - AIR CONDITIONING DEVICES

SCHEDULE

Schedule 'A' - List of Publications

Publication NPC-191	Technical Definitions
Publication NPC-192	Instrumentation
Publication NPC-193	Procedures
Publication NPC-194	Sound Level Adjustments
Publication NPC-205	Sound Level Limits for Stationary Sources in Class I & 2 Areas (Urban)
Publication NPC-206	Sound Levels due to Road Traffic
Publication NPC-216	Residential Air Conditioning Devices

By-law 96-30, 2nd February, 1996; Schedule 'A'

NOISE - AIR CONDITIONING DEVICES

PUBLICATION NPC-101

Technical Definitions

1. Technical Terminology and Standards

The following terminology and standards shall be used for the purposes of any Noise Control By-law enacted pursuant to The Environmental Protection Act and all Publications of the Noise Pollution Control Section of the Pollution Control Branch of the Ministry of the Environment. The definition of any technical word used in such By-Law or this or any such Publication and not herein defined shall be the definition appearing in the applicable Publication of the Canadian Standards Association (CSA), the American National Standards Institute (ANSI), the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the Society of Automotive Engineers (SAE), or the Machinery and Equipment Manufacturers Association of Canada (MEMAC).

(1) Acoustic Calibrator

An "Acoustic Calibrator" is an electro-mechanical or mechanical device intended for the calibration of sound level meters and meeting the specifications of Publication NPC-102 - Instrumentation for Acoustic Calibrators.

(2) A-Weighting

"A-weighting" is the frequency weighting characteristic as specified in IEC 123 or IEC 179 and intended to approximate the relative sensitivity of the normal human ear to different frequencies (pitch) of sound.

(3) A-weighted Sound Pressure Level

The "A-weighted sound pressure level" is the sound pressure level modified by application of the A-weighting. It is measured in decibels, A-weighted, and denoted dBA.

(4) Beating

"Beating" is the characteristic of a sound which has an audible cyclically varying sound level caused by the interaction of two sounds of almost the same frequency.

(5) Buzzing Sounds

A "buzzing sound" is a sound which is characterized by the presence of a large number of related discrete harmonics in its frequency spectrum. These harmonics together with the fundamental frequency produce a sound which subjectively is termed a "buzz". Examples are sounds from a buzzer or a chain saw.

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- (16) **Decibel**
The "decibel" is a dimensionless measure of sound level or sound pressure level (see sound pressure level).
- (17) **Effective Sound Pressure**
The "effective sound pressure" at a point is the root mean square value of the instantaneous sound pressure, over a time interval, at the point under consideration as detected with a sound level meter meeting the requirements of Publication NPO-102 - Instrumentation.
- (18) **Equivalent Sound Level**
The "equivalent sound level" (sometimes denoted L_{eq}) is the value of the constant sound level which would result in exposure to the same total A-weighted energy as would the specified time-varying sound, if the constant sound were persistent over an equal time interval. It is measured in dBA.

The mathematical definition of equivalent sound level (L_{eq}) for an interval defined as occupying the period between two points in time t_1 and t_2 is:

$$L_{eq} = 10 \log_{10} \left\{ \frac{t_2 - t_1}{t_1} \int_{t_1}^{t_2} \frac{p^2(t)}{p_r^2} dt \right\}$$

where $p(t)$ is the time-varying A-weighted sound pressure and p_r is the reference pressure of 20 mPa.

- (19) **Fast Response**
"Fast response" is a dynamic characteristic setting of a sound level meter meeting the applicable specifications of Publication NPO-102 - Instrumentation.
- (20) **Frequency**
The "frequency" of a periodic quantity is the number of times that the quantity repeats itself in a unit interval of time. The unit of measurement is hertz (Hz) which is the same as cycles per second.
- (21) **General Purpose Sound Level**
A "General Purpose Sound Level Meter" is a sound level meter which meets the specifications of Publication NPO-102 - Instrumentation for General Purpose Sound Level Meters.

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- 112) **Impulse Response**
 "Impulse response" is a dynamic characteristic setting of a sound level meter meeting the specifications of Publication NPC-102 - Instrumentation for Impulse Sound Level Meters.
- 113) **Impulsive Sound**
 An "impulsive sound" is a single pressure pulse or a single burst of pressure pulses, as defined by IEC 1193, First supplement to IEC 179, Sections 3.1 and 3.2.
- 114) **Impulse Sound Level**
 The "impulse sound level" is the sound level of an impulsive sound as measured with an Impulse Sound Level Meter set to impulse response. It is measured in A-weighted decibels, denoted dBAI.
- 115) **Impulse Sound Level Meter**
 An "Impulse Sound Level Meter" is a sound level meter which meets the specifications of Publication NPC-102 - Instrumentation for Impulse Sound Level Meters.
- 116) **Integrating Sound Level Meter**
 An "Integrating Sound Level Meter" is a sound level meter which is capable of being used to derive the equivalent sound level (Leq) and which meets the specifications of Publication NPC-102 - Instrumentation for Type B Integrating Sound Level Meters.
- 117) **Logarithmic Mean Impulse Sound Level**
 The "Logarithmic Mean Impulse Sound Level", sometimes denoted LLM of N impulsive sounds, sometimes the logarithm to the base 10 of the arithmetic mean of ten to the power of one tenth the impulse sound level of each impulsive sound.

Algebraically, it can be written as:

$$L_{LM} = 10 \log_{10} \left[\frac{1}{N} (10^{\text{dBAI}_1/10} + 10^{\text{dBAI}_2/10} + \dots + 10^{\text{dBAI}_N/10}) \right]$$

where, dBAI1, dBAI2, ..., dBAIN, are the N impulse sound levels

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- 118) **Overpressure**
The "overpressure" at a point due to an acoustic disturbance is the instantaneous difference at that point between the peak pressure during the disturbance and the ambient atmospheric pressure. The unit of measurement is the pascal. One pascal, abbreviated Pa, is the same as one newton per square metre, abbreviated N/m².
- 119) **Overpressure Level**
The "overpressure level" is twenty times the logarithm to the base 10 of the ratio of the peak pressure to the reference pressure of 20 mPa.
- 120) **Peak Particle Velocity**
The "peak particle velocity" is the maximum instantaneous velocity experienced by the particles of a medium when set into transient vibratory motion. This can be derived as the magnitude of the vector sum of three orthogonal components and is measured in cm/s.
- 121) **Peak Pressure Level Detector**
A "Peak Pressure Level Detector" is a device capable of measuring peak pressure or pressure level perturbations in air and which meets the specifications of Publication NPC-112 - Instrumentation for Peak Pressure Level Detectors.
- 122) **Percentile Sound Level**
The "x percentile sound level", designated L_x is the sound level exceeded x percent of a specified time period. It is measured in dBA.
- 123) **Quasi-Steady Impulsive Sound**
"Quasi-Steady Impulsive Sound" is a sequence of impulsive sounds emitted from the same source having a time interval of less than 0.5 s between successive impulsive sounds.
- 124) **Slow Response**
"Slow response" is a dynamic characteristic setting of a sound level meter meeting the applicable specifications of Publication NPC-112 - Instrumentation.
- 125) **Sound**
"Sound" is an oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (e.g. elastic, viscous), or the superposition of such propagated oscillations, which may cause an auditory sensation.

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- (26) **Sound Level**
 "Sound level" is the A-weighted sound pressure level.
- (27) **Sound Level Meter**
 A "sound level meter" is an instrument which is sensitive to and calibrated for the measurement of sound.
- (28) **Sound Pressure**
 The "sound pressure" is the instantaneous difference between the actual pressure and the average or barometric pressure at a given location. The unit of measurement is the micropascal (µPa) which is the same as a micronewton per square metre (mN/m²).
- (29) **Sound Pressure Level**
 The "sound pressure level" is twenty times the logarithm to the base 10 of the ratio of the effective pressure (p) of a sound to the reference pressure (p_r) of 20 µPa. Thus the sound pressure level in dB
- $$20 \log_{10} \frac{p}{p_r}$$
- (30) **Tone**
 A "tone" or a "tonal sound" is any sound which can be distinctly identified through the sensation of pitch.
- (31) **Vibration**
 "Vibration" is a temporal and spatial oscillation of displacement, velocity or acceleration in a solid medium.
- (32) **Vibration Velocity Detector**
 A "Vibration Velocity Detector" is a device which is capable of measuring vibration velocity and which meets the specifications of Publication NPL 102 "Instrumentation for Vibration Velocity Detectors".

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PUBLICATION NCP-102

Instrumentation

1. Scope

This Publication sets out minimum specifications for equipment used for the measurement of sound and vibration. For most of the specifications the International Electrotechnical Commission (IEC) recommended standards 123 (first edition 1991), 119 (second edition 1973) and 179A (first supplement to IEC 179, published 1973) have been adopted. In some cases, these standards are amended or augmented for greater precision.

TABLE 102.1

NCP 102 Section	Use of Instrument	Application
3	General Purpose Sound Level Meter	Non-impulsive sounds
5	Impulsive Sound Level Meter	Impulsive sounds
7	Peak Pressure Level Detectors	Peak pressure perturbations
9	Fast Response Integrating Sound Level Meter	Long sounds of low level
	Fast Response Integrating Sound Level Meter	Long sounds of high level
8	Vibration Velocity Detector	Passive structure vibration signals
9	Acoustic Calibration	Calibration of sound level meters

2. Technical Definitions

The technical terms used in this Publication are defined in the specifications themselves or in Publication NCP-101 - Technical Definitions.

3. General Purpose Sound Level Meter

3.1 Purpose

A General Purpose Sound Level Meter is a sound level meter which is intended to be used for the measurement of non-impulsive sounds, without significant A-weighted acoustic energy above 2000 Hz.

3.2 Specifications

A sound level meter which meets the following specifications is a General Purpose Sound Level Meter:

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- (b) the sound level meter, including a microphone equipped with a windscreen shall meet the specifications of IEC 123, except that, in addition to meeting the specifications of subclause 5.2 thereof, the microphone of the sound level meter shall also meet the specifications of subclause 5.2 amended by the substitution therein of an angle of incidence of $\pm 30^\circ$ instead of $\pm 60^\circ$, as it therein appears, and by the substitution of Table 10.3.2 herein instead of Table 1 as it therein appears;
 - (b) the sound level meter shall incorporate A-weighting, which is specified in IEC 123 as optional;
 - (c) the sound level meter shall have a minimum usable range of sensitivity of from 10 dBA to 100 dBA and it shall read to an accuracy of ± 1.0 dB over that range;
 - (d) a windscreen shall be installed on the microphone and shall not affect by more than 1 dB the tolerance prescribed in clauses (a) and (c);
 - (e) the sound level meter, including a microphone equipped with a windscreen, shall, when operated in the presence of wind, indicate a wind-induced sound level not in excess of the relevant value listed in Table 10.2.3.
4. Impulse Sound Level Meter

(1) Purpose

An Impulse Sound Level Meter is a sound level meter which is intended to be used for the measurement of any sounds, including sounds for which a General Purpose Sound Level Meter may be used.

(2) Specifications

A sound level meter which meets the following specifications is an Impulse Sound Level Meter.

- (a) the sound level meter, including a microphone equipped with a windscreen, shall meet the specifications of a General Purpose Sound Level Meter;
- (b) the sound level meter, including a microphone equipped with a windscreen, shall meet the specifications of IEC 179 and IEC 179A, supplement to

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IEC 179, including the optional characteristics mentioned in subclause 4.5 of IEC 179A;

- (c) the sound level meter shall incorporate A-weighting as specified in IEC 179.

5. Peak Pressure Level Detector

5.1 Purpose

A Peak Pressure Level Detector is a sound level meter which is intended to be used for the measurement of peak pressure perturbations in air. The value indicated by this device is not an average of the pressure level perturbations.

5.2 Specifications

A sound level meter which meets the following specifications is a Peak Pressure Level Detector (the features of this device are incorporated in an Impulse Sound Level Meter as specified in Section 4 below).

- (a) the microphone of the sound level meter, when equipped with a windscreen, shall perform within a tolerance of ± 1 dB throughout the frequency range of from 5 Hz to 15 kHz in the circumstances and conditions for use set out in Table 1 of IEC 179;
- (b) the sound level meter without the microphone shall be capable of providing line a response as specified in subclause 4.5 of IEC 179, within a tolerance of ± 1 dB throughout the frequency range of from 5 Hz to 15 kHz;
- (c) the sound level meter shall incorporate the optional characteristics specified in subclause 4.5 of IEC 179A;
- (d) the sound level meter shall meet the specifications set out in IEC 179 clause 3, subclauses 4.1, 4.2, 4.4, 4.5, 4.7, 4.8, clause 5, subclauses 6.2, 6.3, 6.4, 6.5, 6.8, 6.9, 7.1 through 7.6, 7.11, 8.1, 8.2, 8.3, 8.6 through 8.9, and the appropriate specifications of clause 10.

6. Type B Integrating Sound Level Meter

6.1 Purpose

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- 1a) An Integrating Sound Level Meter is a sound level meter which is intended to be used for the measurement of sound over a period of time, such that the equivalent sound level (L_{eq}) of the sound may be obtained.
- 1b) The Type B Integrating Sound Level Meter is specified with sufficient dynamic range and measurement precision to measure equivalent sound levels of general sounds that exceed limitations set out in this by 2.9a.
- 1c) Either a Type A or Type B Integrating Sound Level Meter may be used for most such applications, but a Type A Integrating Sound Level Meter must be used when the sound under study is Quasi-Steady Impulsive Sound (see NPL 403 - Procedures, sections 3 and 4) or when the operational dynamic range greatly exceeds 40 dB.

(2) General Description

The tolerances specified for the microphone, weighting and amplifier of a Type B Integrating Sound Level Meter are the same as those specified for a General Purpose Sound Level Meter in section 3 of this Publication. The computational portions of the instrument must operate within a net accuracy of ± 1 dB for time periods of 20 minutes to one hour over a dynamic range of at least 40 dB with test signals having a crest factor as defined in IEC 179A (up to 3). An operator-activated switch is included to inhibit the integration function alone and, if the system includes an elapsed time clock, to inhibit both the integration and time summation functions.

(3) Specifications

A sound level meter which meets the following specifications is a Type B Integrating Sound Level Meter:

- 1a) the instrument will generally be a combination of microphone, amplifier, A-weighting network, computation circuit to obtain the integral or the mean square A-weighted pressure, display and a means of inhibiting the integration, but may vary

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from the above provided that it performs the same functions within the tolerances set out below:

- (b) the instrument may include computational circuitry to calculate and display the equivalent sound level directly;
- (c) the microphone of the instrument shall meet the specifications of clause 5 of IEC 123, except that in addition to meeting the specifications of subclause 5.2 thereof, the microphone shall also meet the specifications of subclause 5.2 amended by the substitution therein of an angle of incidence of $\pm 30^\circ$ instead of $\pm 90^\circ$, as it therein appears, and by the substitution of Table 102-2 hereof instead of Table 1, as it therein appears;
- (d) a windscreen shall be installed on the microphone during operation and shall not affect by more than 1 dB the tolerance prescribed in clause (c);
- (e) the sound level meter, including a microphone equipped with a windscreen shall, when operated in the presence of wind, indicate a wind-induced sound level not in excess of the relevant value listed in Table 102-3;
- (f) the A-weighting network shall meet the specifications of Table II and Figure I of IEC 123;
- (g) the amplifier shall meet the specifications of subclauses 7.2, 7.3 and 7.11 of IEC 123;
- (h) for each sensitivity setting of the instrument the amplifier shall have a power handling capacity at least 16 dB greater than the maximum sound level specified for that sensitivity setting;
- (i) if the computation circuit is of the sampling/digital type, when operating in conjunction with the microphone, windscreen, A-weighting network and amplifier, it shall generate a signal proportional to the mean square A-weighted pressure with a $1/0.25$ s exponential averaging time constant;
- (j) the computation circuit shall integrate the mean square A-weighted pressure and shall be capable of doing so on each sensitivity setting for a minimum

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of 6 minutes at the maximum sound level specified for that sensitivity setting;

- (ki) if the computation circuit is not capable of meeting the specification of clause (p) with the reference therein to "6 minutes" changed to "60 minutes", then the device shall be provided with a means to indicate to the operator when the integration capability has been exceeded;
- (ll) if the computational circuit is of the sampling digital type, sampling shall take place at least twice per second;
- (mm) the computation circuit shall operate over the usable dynamic range of the instrument with a linearity of ± 1 dB for low sound with a ratio of peak pressure to root mean square measure up to 3 (crest factor up to 3);
- (nn) an operator activated switch shall be provided to inhibit integration or, if the instrument has an integral elapsed time clock, to inhibit both integration and accumulation of time;
- (oo) the combination of windscreen, microphone, A-weighting network, amplifier and computational circuit shall have a usable dynamic range extending at least from 50 dBA to 90 dBA and the manufacturer shall specify the usable dynamic range;
- (pp) the instrument may be provided with more than one sensitivity setting and the manufacturer shall specify the minimum and maximum input sound level for each sensitivity setting;
- (qq) if the maximum sound level specified for any sensitivity setting is less than 100 dBA, the system shall include a means of indicating to the operator that the maximum input sound level for that sensitivity setting has been exceeded and such indication shall be maintained until cancelled by the operator;
- (r) the display shall indicate either,
 - (i) an output proportional to the integrated mean square A-weighted pressure, or

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- (ii) the integrated mean square A-weighted pressure divided by the duration of the period of time for which the equivalent sound level is to be determined; or
 - (iii) the equivalent sound level for the period of time for which the equivalent sound level is to be determined;
- (5) it shall be possible to read from the display or to calculate from the reading of the display, the equivalent sound level to a resolution of ± 1 dB over the usable dynamic range of the instrument for integration times from 20 minutes to 60 minutes;
 - (6) if the indication of the display is as described in subclause (ii) or (iii) of clause (iv), the instrument shall include an elapsed-time clock;
 - (7) the complete instrument shall follow the recommendations and meet the specifications of subclauses 7.1, 7.5, 7.6, 7.7, 7.8 and 7.9 of IEC 123, and
 - (8) the instrument shall include a means of determining whether the battery of the instrument (any) has sufficient life to permit proper operation for a period of at least one hour.

7. Type A Integrating Sound Level Meter

7.1 Purpose

- (a) An Integrating Sound Level Meter is a sound level meter which is intended to be used for the measurement of sound over a period of time, such that the equivalent sound level (L_{eq}) of the sound may be obtained.
- (b) The Type B Integrating Sound Level Meter is specified with sufficient dynamic range and measurement precision to measure equivalent sound levels of general sounds that exceed limitations set out in this by-law.
- (c) Either a Type A or a Type B Integrating Sound Level Meter may be used for most such applications, but a Type A Integrating Sound Level Meter must be used when the sound under study is Quasi-Steady Impulsive Sound (see KPC-103 - Pro-

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cedures Sections 3 and 4) or when the operational dynamic range greatly exceeds 40 dB.

(2) General Description

The tolerances specified for the microphone, weighting and amplifier of a Type A Integrating Sound Level Meter are the same as those specified for a General Purpose Sound Level Meter in section 3 of this Publication. The computational portions of the instrument must operate within a net accuracy of ± 1 dB for time periods of 20 minutes to one hour over a dynamic range of at least 80 dB with test signals having a crest factor as defined in IEC 179A, type 5.

An operator activated switch is included to inhibit both the integration and time summation functions.

(3) Specification

A sound level meter which meets the following specifications is a Type A Integrating Sound Level Meter:

- (a) the sound level meter shall meet the specifications of a Type B Integrating Sound Level Meter;
- (b) the instrument shall be provided with an internal elapsed-time clock;
- (c) for each sensitivity setting of the instrument, the amplifier shall have a power handling capacity at least 14 dB greater than the maximum sound level specified for that sensitivity setting;
- (d) the computation circuit shall operate over the usable dynamic range of the instrument with a linearity of ± 1 dB for any sound with a ratio of peak pressure to rms mean square pressure up to 5 (crest factor up to 5); and
- (e) the combination of windscreen, microphone, A-weighting network, amplifier and computer circuit shall have a usable dynamic range extending at least from 40 dBA to 120 dBA.

8. Vibration Velocity Detector

(1) Purpose

A Vibration Velocity Detector is a device intended

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to be used for the measurement of the peak particle velocity of a solid surface.

(2) Specifications

A device which meets the following specifications is a Vibration Velocity Detector.

- (a) the device shall include either a transducer which responds to the total vibration vector or three transducers which have their axes of maximum sensitivity mutually orthogonal $\pm 1^\circ$;
- (b) where three transducers are used to measure three mutually orthogonal components of vibration, the response of any one of the transducers to vibration in the plane normal to its axis of maximum sensitivity shall be less than 10% of its response to the same vibration along its axis of maximum sensitivity;
- (c) the output of the device shall be proportional to the velocity of the surface on which the transducer is, or the transducers are, mounted and the output of the device shall be in such form that the device indicates, or can be used to calculate, the peak particle velocity in the frequency range of from 5 Hz to 500 Hz over a range of peak particle velocity of from 0.25 cm/s to 10 cm/s with a tolerance of $\pm 10\%$; and
- (d) it shall be possible to field calibrate the device with an accuracy of $\pm 5\%$ using either a reference electrical signal in series with the coincident transducer impedance or a reference vibration source.

9 Acoustic Calibrator

(1) Purpose

An Acoustic Calibrator is an electro-mechanical or mechanical device which produces sound of a known frequency and which, when coupled to a sound level meter, produces a predictable response in the sound level meter if the sound level meter is operating properly at the calibration frequency.

(2) Specifications

A device, capable of producing sound, which meets the following specifications is an Acoustic Calibrator.

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- (a) the device shall be capable of being physically attached to a sound level meter in such a way that the device and the sound level meter are "acoustically coupled", that is, sound from the device is transmitted through the air by way of a chamber formed by the attachment of the device to the microphone of the sound level meter;
- (b) the device shall produce sound of a stated frequency, within a frequency tolerance of $\pm 5\%$;
- (c) the manufacturer of the device shall provide with the device, any data required in order to determine the sound level reading which should be indicated on the sound level meter when calibrated for those microphone and sound level meter types with which the manufacturer recommends the device be used. Where additional accessories must be used to provide this sound level reading, the manufacturer shall state that they must be used;
- (d) the maximum tolerance in the sound pressure level generated by the device when coupled to the microphone shall apply over an atmospheric pressure range of 87 kPa to 107 kPa, and shall be ± 0.5 dB over the temperature range of from 0°C to 40°C and ± 1.0 dB over the temperature range of from -10°C to 50°C;
- (e) if the device is battery powered, means for checking the battery condition shall be included with the device;
- (f) the following data shall be provided with the device by the manufacturer:
 - (i) the nominal sound pressure level produced;
 - (ii) the nominal frequency at which the device operates;
 - (iii) the ranges of temperature and atmospheric pressure over which the device is intended to operate, and the applicable overall sound pressure level tolerance for these ranges;

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TABLE 102-2
Permissible Tolerances on Microphone Sensitivity
Over an Angle of $\pm 30^\circ$

Frequency Hz	Permissible Tolerances dB	
	A*	B**
31.5 - 500	-1	-
1000	-1	-
2000	-2	-1 to -2
4000	-2	-1 to -4
8000	-10	-1 to -10

* COLUMN A: The microphone is mounted on the sound level meter.

** COLUMN B: The microphone is physically separated from the sound level meter but electrically connected thereto.

TABLE 102-3
Maximum Wind Induced Sound Level Indication
Using A-weighting
and Slow Response (where available)

Wind speed	dB(A)
15 km/h	0
20 km/h	4
25 km/h	8

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PUBLICATION NPC-103

Procedures

1. Scope

This Publication comprises the various measurement procedures to be used in connection with other Publications which provide limits or standards for sound or vibration. Several of the procedures adopted are those of nationally or internationally recognized agencies. Table 103-1 lists the measurement procedures which are included in this Publication.

TABLE 103-1

Section	Type of Measurement	Procedure
1	Steady or impulsive sound	Ministry
2	Vibrating sound	Ministry
3	Sound pressure level in a space	Ministry
4	Foreign mobile gas turbine equipment	SAE J188
5	Pressure equipment	AGMA 9
6	Small engines	SAE J1010
7	Engines with variable load changes	SAE J1010 Z1010.1
8	Technical Definitions	The technical terms used in a procedure shall have the meaning given either in that procedure or in Publication NPC-101 - Technical Definitions
9	Procedure for Measurement of Steady or Impulsive Sound	
10	Sound Classification	For the purposes of this procedure sounds can conveniently be placed in four mutually exclusive categories as follows:
	(a) Impulsive sounds, other than Quasi Steady Impulsive Sounds, such as, but not limited to, the sound from gunshots, certain explosive pest control devices and certain industrial metal working operations (e.g. forging, hammering, prying, stamping, cutting, forming and moulding);	

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- (ii) Quasi-Steady Impulsive Sounds, such as, but not limited to, the sound from pavement breakers, riveting guns, ineffectively muffled internal combustion engines or ineffectively muffled air compressors;
- (iii) Buzzing sounds, such as, but not limited to, the sounds from positive displacement blowers, chain saws, small combustion engines and concrete finishers;
- (iv) all other sounds.

(b) Application

This procedure applies to measurements at a point of reception of:

- (i) sound of a type mentioned in category (i) or (ii) of clause (a) and
- (ii) sound of a type mentioned in categories (i) or (iv) of clause (a), which is a way's higher than the permissible level or which, when the sound is present, does not vary in level over a range of more than 6 dB during the period of observation.

(2) Instrumentation

(a) Sound Level Meter

- (i) An Impulse Sound Level Meter shall be used for the measurement of sound in category (i) (ii) or (iii) of clause 3(b) (a).
- (ii) A General Purpose Sound Level Meter shall be used for the measurement of sound in category (iv) of clause 3(b) (a). (NOTE: An Integrating Sound Level Meter may be used for the measurement of sound in category (iv) of clause 3(b) (a), but the procedure set out in section 4 - Procedure for Measurement of Varying Sound must be used.)

(b) Calibrator

An Acoustic Calibrator shall be used.

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(c) Wind-screen

A windscreen shall be used in all outdoor measurements.

(3) Measurement Location

For sound transmitted solely through air, the measurement location shall be one or more of the following points of reception:

- (a) a location out of doors where a person may be exposed to the sound; or
- (b) the plane of an exterior door or window of a room in which a person may be exposed to the sound, where the door or window is open.

(4) Sound Instrumentation

(a) Battery Check

If the sound level meter is battery powered the condition of the battery shall be checked after the meter has been allowed to warm up and stabilize. The battery condition shall be rechecked at least once per hour during a series of measurements and at the conclusion of such measurements. The meter shall not be used unless the battery condition is confirmed to be within the range recommended by the manufacturer for proper operation.

(b) Calibration

The sound level meter shall be calibrated after the meter has been allowed to warm up and stabilize, at least once per hour during a series of measurements and at the conclusion of such measurements.

(c) Sound Level Meter Settings

Measurements shall be taken using the following response settings:

(i) Impulse Response (dBA)

The impulse response and A weighting shall be used for impulsive sound in category (1) of clause 3.1.1(a). An "impulse hold" facility may be used if available on the meter.

(ii) Slow Response (dBA)

The slow response and A weighting shall be

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used for sound in categories (iii), (iv) or (v) of clause 3.4.1 (a).

(d) Instrument Configuration

(i) Reflective Surfaces

The microphone shall be located not less than 1 m above the ground, not less than 1 m from any sound reflective surface except for the purposes of clause 3.4.1 (b) and not less than arm's length from the body of the person operating the meter. Not more than one person, other than the operator of the meter, shall be within 7 m of the microphone and that person shall be behind the operator of the meter. For the case of 3.3 (b) the microphone shall be in the middle of the aperture located not less than 1.5 m from the window frame or door frame.

(ii) Microphone Orientation

The microphone shall be orientated such that the sound to be measured is incident at an angle recommended by the microphone manufacturer for flattest frequency response in a free field.

(e) Measurement - Slow Response

(i) Readings Taken

For sound in categories (ii), (iii) or (v) of clause 3.4.1 (a), a minimum of three observations with a minimum observation time of 1.5 s each shall be made. The observed average reading for each of the observations shall be noted as well as the minimum and maximum of the range of sound levels during each observation period. If the difference between any two observed average readings is greater than 3 dB, a minimum of six observations shall be made. For the purpose of adjustments for intermittency the duration of the sound in any one hour shall be noted.

(ii) Readings Reported

The arithmetic mean of the observed average readings shall be reported, rounded to the

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nearest decibel. Adjustments for interference (quality of sound) shall be made in accordance with Publication KPC - 104 - Sound Level Adjustments, and the result shall be reported. The result is the one hour equivalent sound level L_{eq} of the sound under study for any one hour period during which the readings were taken pursuant to subclause (i).

(iii) Wide Variation of Sound Levels

If in making observations pursuant to subclause (i), there is a difference of more than 6dB between the lowest and highest values of the observed ranges of sound levels, this procedure shall not be used unless the lower limit of each such range is above the maximum permissible level. Instead, the procedure set out in Section 4 - Procedure for Measurement of Varying Sound at a point of reception, shall be used.

(2) Measurement - Impulse Response - Frequency Impulse-

(i) Readings Taken

For sound intensity (i) of clause (1) (i) at not less than 20 impulses shall be measured within a continuous period of 20 minutes and each measurement taken shall be reported.

(ii) Extension of Time

Where a minimum of 20 impulses cannot be measured within a continuous period of 20 minutes pursuant to subclause (i) the time period may be extended to 2 hours if an impulse occurred in each of the four consecutive periods of five minutes each during the original 20 minute measurement period.

(iii) Level Reported

The Logarithmic Mean Impulse Sound Level (L.M.I.) of the 20 or more measurements shall be calculated and reported to the nearest decibel. The Logarithmic Mean Impulse Sound Level is a valid and effective sound level for

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any one hour period during which readings were taken pursuant to subclauses (c) and (d).

(g) Measurement - Impulse Response - Single Event Readings Taken and Reported

For impulse sounds in category (i) of clause 3.1.1(a), that occur as a single, seemingly independent event not normally measurable using the procedure set out in clause (f) for frequent impulses, each impulse shall be independently measured and each impulse source level reported to the nearest decibel.

(h) Variation in Calibration

Measurements shall not be reported if the sound level meter calibration has changed more than 0.5 dB from the previous calibration.

3.1 Weather conditions

(i) Wind

Measurements shall not be taken unless the wind-induced sound level is more than 10 dB below the measured levels. Reference should be made to Publication NPC - 102 - Instrumentation, particularly Table 102-3.

(ii) Humidity

Measurements shall not be taken if the relative humidity is above the maximum for which the meter specification is guaranteed by the manufacturer (normally 90%).

(iii) Precipitation

Measurements shall not be taken during precipitation.

(iv) Temperature

Measurements shall not be taken when air temperature is outside the range for which specification of the instrument is guaranteed by the manufacturer. (Normally, only the lower temperature limit is significant).

(5) Documentation

The following represents the minimum information which shall be contained in a report of an investigation where the above

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procedure was used. (Adapted from C.S.A. Z107.2-1973 Methods for the Measurement of Sound Pressure Levels)

(a) Acoustic Environment

- (i) Location and description of sound sources.
- (ii) Dimensioned sketch including photographs, if possible, of the location of the sound source and the point of reception, showing all buildings, trees, structures and other sound reflective surfaces.
- (iii) Physical and topographical description of the ground surface.
- (iv) Meteorological conditions prevailing at the time of investigation including approximate local wind speed in km/h, wind direction, air temperature in °C, approximate relative humidity, and extent of cloud cover.

(b) Instrumentation

All equipment used for making sound level measurements shall be listed, including:

- (i) type, model and serial number of sound level meter;
- (ii) type, model and serial number of microphone;
- (iii) type, model and serial number of Acoustic Calibrator;
- (iv) extension cables and additional amplifier, if used.

(c) Acoustical Data

The measurement details shall be described, including:

- (i) the location of the microphone, using a sketch if necessary;
- (ii) measurements or readings obtained, preferably listed in tabular form, referencing location on a sketch or map, time periods involved, and relevant data required for making calculations.

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- (iii) adjustments made for quality of sound or interference;
- (iv) details of any calculations;
- (v) comparison with applicable sound level limits, standards or guidelines.

4. Procedure for Measurement of Viring Sound³

(1) Classification

For the purposes of this procedure sounds can conveniently be placed in four mutually exclusive categories as follows:

- (i) impulsive sounds, other than Quasi-Steady Impulsive Sounds, such as, but not limited to, the sound from gunshots, certain explosive pest control devices and certain industrial metal working operations (e.g. forging, hammering, punching, stamping, cutting, forming and moulding);
- (ii) Quasi-Steady Impulsive Sounds, such as, but not limited to, the sound from pavement breakers, riveting guns, ineffectively muffled internal combustion engines or ineffectively muffled air compressors;
- (iii) buzzing sounds, such as, but not limited to, the sound from positive displacement blowers, chain saws, small combustion engines and concrete finishers;

- (iv) all other sounds.

(2) Application

This procedure applies to measurements at a point of reception of continuous or intermittent sound mentioned in category (i), (ii) or (iv) of clause (1).

(2) Instrumentation

(a) Integrating Sound Level Meter

An Integrating Sound Level Meter shall be used which is appropriate for the sound to be measured.

- (b) Either a Type A or Type B Integrating Sound Level Meter may be used for the measurement of sound in category (iv) of clause 4 (1) at:

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- (b) **Integrating Sound Level Meter**
A Type A Integrating Sound Level Meter shall be used for the measurement of sound in categories 11 or 11a of clause 4.1.4.4.
- (b) **Calibrator**
An Acoustic Calibrator shall be used.
- (c) **Wind-screen**
A wind-screen shall be used in all outdoor measurements.

4.3 Measurement Location

- (a) **Air-Borne Sound**
For sound transmitted solely through air, the measurement location shall be one or more of the following points of reception:
 - (i) a location out-of-doors where a person may be exposed to the sound; or
 - (ii) the plane of an exterior door or window of a room in which a person may be exposed to the sound, where the door or window is open.

4.4 Use of Instrumentation

- (a) **Battery Check**
If the Integrating Sound Level Meter uses a battery, the condition of the battery shall be checked before each measurement, and measurement shall not commence unless the battery has sufficient life remaining to permit proper operation for a period of at least one hour.
- (b) **Calibration**
The Integrating Sound Level Meter shall be calibrated before and after each measurement period.
- (c) **Instrument Configuration**
 - (i) **Reflective Surfaces**
The microphone shall be located not less than 1 m above the ground, not less than 1 m from any sound reflective surface except for the purposes of sub-clause 4.3.4(b) and not less than arm's length from the body of the person operating the meter. Not more than one per-

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son, other than the operator of the meter, shall be within 7 m of the microphone and the person shall be behind the operator of the meter. For the case of subclause 4.3.1.1.1 the microphone shall be in the middle of the aperture located not less than 15 cm from the window frame or door frame.

(iii) Microphone Orientation

The microphone shall be oriented such that the sound to be measured is incident at an angle recommended by the microphone manufacturer for flattest frequency response in a free field.

(d) Extraneous Sources

When measuring the sound from a source, integration shall from time to time be inhibited by the operator immediately when the received sound is dominated by sound from a source other than the source under study and it shall remain inhibited while such a condition persists and for at least 10 seconds thereafter. While integration is inhibited the elapsed time used to calculate the equivalent sound level shall not be allowed to accumulate.

(e) Timing

If the Integrating Sound Level Meter is not provided with an internal elapsed-time clock, the operator shall accumulate the elapsed time during the measurement period by means of a stop-watch or other time measuring device.

(f) Readings

(i) Stationary Source

When measuring the sound from a stationary source, measurements to be used in calculating results shall be taken during a continuous period not in excess of one hour and, for purposes of calculation and reporting of results, the accumulated elapsed time of measurement as obtained in accordance with clause (d) is deemed to be one hour if the accumulated time is 20 minutes or more. Measurements containing information from an accumulated time pe-

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not of less than 20 minutes are insufficient for purposes of calculating the equivalent sound level $L_{eq,T}$ of a stationary source.

(ii) Road Traffic Noise Sources

When measuring the sound from road traffic the accumulated elapsed time obtained in accordance with clause (d) shall not be less than twenty minutes and the actual accumulated elapsed time of measurement shall be used for purposes of calculation.

(g) Adjustments

Adjustments for quality of sound shall be made in accordance with Publication NPL 101 - Sound Level Adjustments and the result reported. No adjustment shall be made for intermittency.

(h) Variation in Calibration

A measurement shall not be reported if the Integrating Sound Level Meter calibration after the measurement period is more than 0.5 dB different from that before the measurement commenced.

(i) Weather Conditions

(i) Wind

Measurements shall not be made unless the wind-induced sound level is more than 10 dB below the measured levels. Reference should be made to Publication NPL 102 - Instrumentation and particularly Table 102-3.

(ii) Humidity

Measurements shall not be taken if the relative humidity is above the maximum for which the meter specification is guaranteed by the manufacturer (normally 90%).

(iii) Precipitation

Measurements shall not be taken during precipitation.

(iv) Temperature

Measurements shall not be taken when the air temperature is outside the range for which the specification of the instrument is guaranteed.

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by the manufacturer. (Normally, only the lower temperature limit is significant.)

(j) Reading Repeated

- (i) For sound from a stationary source, the value to be reported based on measurements made during the accumulated elapsed time of 20 minutes or more and the time period for calculation which is one hour is, after adjustment in accordance with clause (g), the one hour equivalent sound level (L_{eq}) of the sound under study for any one hour period during which measurements were taken pursuant to subclause 4 (4)(b)(i).
- (ii) For sound from a mobile source, the value to be reported based on measurements made during the accumulated elapsed time of 20 minutes or more and the time period for calculation which is the actual accumulated elapsed time is the one hour equivalent sound level (L_{eq}) of the sound under study for any one hour period during which measurements were taken pursuant to subclause 4 (4)(b)(i).
- (iii) The one hour equivalent sound level (L_{eq}) shall be reported to the nearest decibel.

(5) Documentation

The following represents the minimum information which shall be contained in a report of an investigation where the above procedure was used. (Adapted from CSA Z107.2-1973 Methods for the Measurement of Sound - Pressure Levels.)

(a) Acoustic Environment

- (i) Location and description of sound sources.
- (ii) A list of the types of extraneous noise sources which caused integration to be inhibited during measurement.
- (iii) Dimensioned sketch including photographs, if possible, of the location of the sound source and the point of reception, showing all build-

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- iii) trees, structures and any other sound reflective surfaces;
- iv) Physical and topographical description of the ground surface;
- v) Meteorological conditions prevailing at the time of the investigation including approximate local wind speed in km/h, wind direction, air temperature in °C, approximate relative humidity and extent of cloud cover.

(b) Instrumentation

All the equipment used for making sound level measurements shall be listed, including

- i) type, model and serial number of Integrating Sound Level Meter;
- ii) type, model and serial number of microphone;
- iii) type, model and serial number of Acoustic Calibrator;
- iv) extension cables and additional amplifier, if used.

(c) Acoustical Data

The measurement details shall be described, including:

- i) the location of the microphone, using a sketch if necessary;
- ii) the continuous time period of observation;
- iii) the accumulated elapsed time of measurement following the procedure of clauses 1.4(i) (d) and 1.4(v);
- iv) the Integrating Sound Level Meter reading or output and any other relevant data required for calculations;
- v) adjustments made for quality of sound;
- vi) details of all calculations;

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(vii) the equivalent sound levels obtained, preferably listed in tabular form, or in graphical form on a sketch map;

(viii) comparison with applicable sound level limits, standards or guidelines.

5. Procedure for Measurement of Sound and Vibration Due to Blasting Operations

(1) Application

This procedure applies to the measurement of sound (impulsive) and vibration due to blasting operations.

(2) Sound

(a) Instrumentation

(i) Measuring Device

A Peak Pressure Level Detector shall be used.

(ii) Calibrator

An Acoustic Calibrator shall be used.

(iii) Windscreen

A windscreen shall be used in all outdoor measurements.

(b) Measurement Location

The measurement location shall be at a point of reception out-of-doors within 7 m of a building.

(c) Use of Instrumentation

(i) Battery Check

If the measuring device is battery powered, the condition of the battery shall be checked after the device has been allowed to warm up and stabilize and after each measurement has been made. The device shall not be used unless the battery condition is confirmed to be within the range recommended by the manufacturer for proper operation.

(ii) Calibration

The measuring device shall be calibrated after it has been allowed to warm up and stabilize and after each measurement has been made.

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iii) Meter Setting

The measuring device shall be set to read the peak pressure level using linear response and a "hold" facility, if available.

(d) Instrument Configuration

(i) Reflective Surfaces

The microphone shall be located not less than 1 m above the ground, not less than 1 m from any sound reflective surface and not less than arm's length from the body of the person operating the device. Not more than one person, other than the operator of the meter, shall be within 2 m of the microphone and that person shall be behind the operator of the meter.

(ii) Microphone Orientation

The microphone shall be oriented such that the compression wave to be measured is incident at an angle recommended by the microphone manufacturer for flattest frequency response in a free field.

(e) Readings

(i) Peak Pressure Level

The value of peak pressure level reported shall be given to the nearest decibel.

(ii) Variation in Calibration

A measurement shall not be reported if the meter calibration after the measurement is more than 0.5 dB different from that before the measurement.

(iii) Battery Deterioration

A measurement shall not be reported if the battery condition after the measurement is not within the range recommended by the manufacturer for proper operation.

(f) Weather Conditions

(i) Wind

Measurements shall not be reported unless the wind induced sound pressure level is more

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than 10 dB below the measured peak pressure level. Reference should be made to Publication N2C-102 - Instrumentation.

(ii) Humidity

Measurements shall not be taken if the relative humidity is above the maximum for which the meter specification is guaranteed by the manufacturer (usually 90%).

(iii) Precipitation

Measurements shall not be taken during precipitation.

(iv) Temperature

Measurements shall not be taken when the air temperature is outside the range for which the meter specification is guaranteed by the manufacturer. (Normally only the lower temperature limit is significant.)

(A) Vibration

(a) Instrumentation

(i) Measuring Device

A Vibration Velocity Detector shall be used.

(ii) Calibrator

An electrical reference signal of known voltage and frequency shall be used in the field for calibration of the Vibration Velocity Detector excluding the transducer. A reference vibration source shall be used for laboratory calibration of the complete Vibration Velocity Detector.

(b) Measurement Location

Vibration measurements shall be made at a point of reception inside a building below grade or less than 1 m above grade, preferably on a basement floor close to an outside corner.

(c) Use of Instrumentation

(i) Battery Check

If the measuring device is battery powered, the condition of the battery shall be checked.

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after the device has been allowed to warm up and stabilize and after each measurement is made. The device shall not be used unless the battery condition is confirmed to be within the range recommended by the manufacturer for proper operation.

(ii) Calibration

Field calibration shall be carried out before and after each measurement. Laboratory calibration of the complete Vibration Velocity Detector as used in the field, including the transducer, shall be carried out not less than once per calendar year and the results certified.

(d) Instrument Configuration

(i) Mounting

The transducer shall be affixed to a part of the structure so as to prevent movement of the transducer relative to the structure. The preferred structural element is the basement floor as indicated in clause (b).

(ii) Transducer Orientation

If three vector components of vibration velocity are recorded individually, it is preferable to orient the transducers such that the three axes of measurement are (a) vertical, (b) radial (along the horizontal line joining the location of the base to the location of measurement), and (c) transverse (along a horizontal line at right angles to the line joining the location of the blast to the location of measurement).

(e) Readings

(i) Peak Particle Velocity

The peak particle velocity in cm/s shall be reported.

(ii) Variance in Calibration

A measurement shall not be reported if recalibration after the measurement is more than 5% different from that before the measurement.

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(ii) Battery Deterioration

A measurement shall not be reported if the battery condition after the measurement is not within the range recommended by the manufacturer for proper operation.

(4) Documentation

The following represents the minimum information which shall be contained in a report of an investigation where the above procedure was used.

(a) Description of Area

- (i) Location and description of the blasting operation.
- (ii) Dimensioned sketch including photographs, if possible, of the location of the blasting operation, the nearest premises and the measurement location.
- (iii) Description of the measurement location.
- (iv) Physical and topographical description of the ground surface.
- (v) Meteorological conditions at the time of the investigation, including approximate wind speed in km/h, wind direction, air temperature in degrees Celsius, approximate relative humidity, degree of cloud cover and whether or not a condition of thermal inversion prevailed.

(b) Instrumentation

All the equipment used for making sound and vibration measurements shall be listed, including:

- (i) type, model and serial number of Peak Pressure Level Detector,
- (ii) type, model and serial number of microphone,
- (iii) type, model and serial number of Acoustic Calibration,
- (iv) windscreen.

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- (vi) extension cables and additional amplifiers, if used;
- (vii) type, model and serial number of Vibration Velocity Detector;
- (viii) type, model and serial number of transducers;
- (ix) type, model and serial number of vibration calibrator.

(c) Sound and Vibration Data

The measurement details shall be described, including:

- (i) the location where measurements were taken, the time period involved and the orientation of instrumentation using a sketch, if necessary;
- (ii) details of all calculation;
- (iii) the peak pressure level in dB and or peak particle velocity in cm/s;
- (iv) comparison with applicable peak pressure limits and or peak particle velocity limits.

6. Exterior Sound Level Measurement Procedure For Powered Mobile Construction Equipment - SAE J88a

SAE J88a Recommended Practice is adopted by the Ministry with the following change:

Where ANSI Type I sound level meter specification is referred to, reference shall be made instead to Publication IEC-279 (1973) for Precision sound level meters, (General Purpose Sound Level Meter).

7. MEMAC Test Cycle For the Measurement of Sound From Pneumatic Equipment

The MEMAC Test Cycle For The Measurement of Sound From Pneumatic Equipment is adopted by the Ministry with the following additional requirement:

For measurement of peckers etc machines the sound level meter used shall meet the specifications of IEC Publications 179 and 179A (1973), (Impulse Sound Level Meter).

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8. Exterior Sound Level Measurement Procedure for Small Engine Powered Equipment - SAE J1046

SAE J1046 - Recommended Practice, is adopted by the Ministry with the following changes:

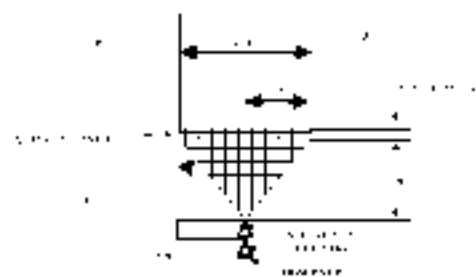
- (1) Where ANSI Type 1 sound level meter specification is referred to, reference shall be made instead to IEC Publication 179 and 179A/1976 (Impulse Sound Level Meter)
- (2) Replace clause 3.1.1 with the following:
The maximum dimensions of the measurement zone are defined as a path of travel 1.2 m wide by 14 m long plus an adjacent area having the base along the edge of the path of travel and the apex 7 m from the midpoint of the base
- (3) Replace Fig. 1 with Fig. 103-1, hereof.
- (4) In section 3.2 Measurements, all references to 25 ft, shall be changed to 7 m

9. Procedure for Measurement of the Maximum Exterior Sound Level of Stationary Trucks with Governed Diesel Engines CSA Z107-22-M1977

C1 CSA Z107-22-M1977 standard is adopted by the Ministry with the following change:

A General Purpose Sound Level Meter shall be used.

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measured
position

sound source

microphone

Fig. 11. Noise measurement setup for the determination of the sound power level of an air conditioning device

Fig. 11

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PUBLICATION NPC - 104

Sound Level Adjustments

1. **Scope**
This Publication refers to the adjustment of a sound level obtained following the procedures set out in either section 3 or 4 of NPC-103 - Procedures.
2. **Technical Definitions**
The technical terms used in this Publication are defined in Publication NPC-101 - Technical Definitions.
3. **Intermittent**
If a sound is intermittent, the following adjustment shall be subtracted from the observed value:

$$\text{Adjustment} = 10 \log_{10} \frac{x}{1}$$

where x is the fraction of an hour
for which the sound persists

Such sound level adjustments are approximated in Table 104-1.

4. **Adjustment for Spectral Quality of Sound**
 - (1) **Tonality**
If a sound has a pronounced audible tonal quality such as a whine, screen buzz, or hum then the observed value shall be increased by 5.
 - (2) **Cyclic Variations**
If a sound has an audible cyclic variation in sound level such as beating or other amplitude modulation then the observed value shall be increased by 5.
 - (3) **Quasi-Steady Impulsive Sound**
If a sound is Quasi-Steady Impulsive Sound then the observed value shall be increased by 10.
 - (4) **One Adjustment Only**
An adjustment may be made under only one of subsections (1), (2) and (3), providing that, if subsection (3) applies, it shall be used in preference to subsection (1) or subsection (2).

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TABLE 104-1
Adjustment for Interference

Duration of Sound (Sec, Min, Hrs)	Adjustment
40 - 60	0
20 - 30	3
10 - 15	6
5 - 10	9
3 - 5	12
1 - 2	15
less than 1	20

NOISE - AIR CONDITIONING DEVICES

**SOUND LEVEL LIMITS FOR
STATIONARY SOURCES IN
CLASS 1 & 2 AREAS (URBAN)**

PUBLICATION NPC-205

OCTOBER 1995

Ministry of Environment and Energy

NOISE - AIR CONDITIONING DEVICES

Publication NPC-205

1. Scope

This Publication establishes sound level limits for stationary sources such as industrial and commercial establishments, rail-cities, transportation facilities, affecting points of reception in Class 1 and 2 Areas (Urban). The limits apply to noise complaint investigation - carried out in order to determine potential violation of Section 14 of the Environmental Protection Act. The limits also apply to the assessment of planned stationary sources of sound in compliance with section 9 of the *Environmental Protection Act*, and under the provisions of the Aggregate Resources Act and the *Environmental Assessment Act*.

This Publication does not address sound and vibration produced by blasting, blasting in quarries and surface mines as considered in Reference [7].

The Publication includes an Annex, which provides additional details, definitions and procedure for the sound level limits.

2. References

Reference is made to the following publication:

- [1] NPC-101 - Technical Definitions
- [2] NPC-102 - Instrumentation
- [3] NPC-103 - Procedures
- [4] NPC-104 - Sound Level Adjustments
- [6] NPC-206 - Sound Levels due to Road Traffic
- [7] NPC-119 - Blasting
- [8] NPC-216 - Residential Air Conditioning Devices
- [9] NPC-232 - Sound Level Limits for Stationary Sources in Class 1 Areas (Rural)
- [10] NPC-233 - Information to be Submitted for Approval of Stationary Sources of Sound
- [12] ORNAMENT, Ontario Road Noise Analysis Method for Environment and Transportation Technical Document, Ontario Ministry of the Environment, ISBN 0-7729-6376, 1989

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References [1] to [4] and [7] can be found in the Vaudreuil Municipal Noise Control By-law (Ontario Ministry of the Environment Final Report, August 1978).

1. General Definitions

"Ambient sound level" means Background sound level.

"Background sound level" is the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. Highly intrusive short duration noise caused by a source such as an aircraft fly-over or a train pass-by is excluded from the determination of the background sound level.

"Class 1 Area" means an area with an acoustical environment typical of a major population centre, where the background noise is dominated by the urban hum.

"Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low ambient sound level is normally occurring only between 23:00 and 07:00 hours; in Class 1 Areas, will typically be realized as early as 19:00 hours.

Other characteristics which may indicate the presence of a Class 2 Area include:

- absence of urban hum between 19:00 and 23:00 hours;
- evening background sound level defined by natural environment and infrequent human activity; and
- no clearly audible sound from stationary sources other than from those under impact assessment.

"Class 3 Area" means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic such as the following:

- a small community with less than 1000 population;
- agricultural area;
- a rural recreational area such as a cottage or a resort area; or
- a wilderness area.

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Other technical terms are defined in Reference [1] and in the Annex to Publication NPr-203.

4. Establishment of Limits - Objective
The sound level limit at a point of reception must be established based on the principle of "predictable worst case" noise impact. In general, the limit is given by the background sound level at the point of reception. The sound level limit must represent the minimum background sound level that occurs or is likely to occur during the operation of the stationary source under impact assessment.
5. Background Sound Levels
The time interval between the background sound level measurement and the measurement of the sound level produced by the stationary source under impact assessment should be minimized as much as possible. Preferably, the two measurements should be carried out within one hour of each other.
6. Sound Levels due to Stationary Sources
 - (1) Complaint Investigation of Stationary Sources
The One Hour Equivalent Sound Level (Leq) and/or the Logarithmic Mean Impulse Sound Level (LIM) produced by the stationary sources shall be obtained by measurement performed in accordance with Section 7.
 - (2) Approval of Stationary Sources
The One Hour Equivalent Sound Level (Leq) and/or the Logarithmic Mean Impulse Sound Level (LIM) produced by the stationary sources shall be obtained by measurement or prediction. The estimation of the Leq and/or LIM of the stationary source under impact assessment shall reflect the principle of "predictable worst case" noise impact. The "predictable worst case" noise impact occurs during the hour when the difference between the predicted sound level produced by the stationary source and the background sound level of the natural environment is at a maximum.
7. Procedures
All sound level measurements and calculations shall be made in accordance with References [3], [6] and [12].

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Sound from existing adjacent stationary sources may be included in the determination of the background One Hour Equivalent Sound Level (L_{eq}) if such stationary sources of sound are not under consideration for noise abatement by the Municipality or the Ministry of Environment and Energy.

8. Sound Level Limits - General

- (1) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source, the sound level limit expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{imp}) is the background One Hour Equivalent Sound Level (L_{eq}) typically caused by road traffic as obtained pursuant to Section 6 for that point of reception.
- (2) For sound from a stationary source, including Quasi-Steady Impulsive Sound but not including other impulsive sound, the sound level limit expressed in terms of the One Hour Equivalent Sound Level (L_{eq}) is the background One Hour Equivalent Sound Level (L_{eq}) typically caused by road traffic as obtained pursuant to Section 6 for that point of reception.

9. Sound Level Limits - Specific Impulsive Sounds

- (1) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source which is an industrial metal working operation (including but not limited to forging, hammering, planishing, stamping, cutting, forming and moulding), the sound level limit at a point of reception expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{imp}) is 60 dBA if the stationary source were operating before January 1, 1980, and otherwise is 50 dBA.
- (2) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source which is the discharge of firearms on the premises of a licensed gun club, the sound level limit at a point of reception expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{imp}) is 70 dBA if the gun club were operating before January 1, 1980, or 50 dBA if the gun club began to operate

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after January 1, 1982) or the L_{1A} prior to expansion, alteration or conversion.

- (3) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source which is not a blasting operation in a surface mine or quarry, characterized by impulses which are so infrequent that they cannot normally be measured using the procedure for frequent impulses of Reference [3], the sound level limit at a point of reception expressed in terms of the impulse sound level is 100 dBA.

10. Sound Level Limits - Pest Control Devices

- (1) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a pest control device employed solely to protect growing crops, the sound level limit at a point of reception expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{1A}) is 70 dBA.
- (2) For sound, including Quasi-Steady Impulsive Sound but not including other impulsive sound, from a pest control device employed solely to protect growing crops, the sound level limit at a point of reception expressed in terms of the One Hour Equivalent Sound Level (L_{eq}) is 60 dBA.

11. Prohibition - Pest Control Devices

The operation of a pest control device employed solely to protect growing crops outdoors during the hours of darkness, as set to sunrise, is prohibited.

12. Pre-emption

The least restrictive sound level limit of Sections 8, 9 and 10 applies.

13. Exclusion

No restrictions apply to a stationary source resulting in a One Hour Equivalent Sound Level (L_{eq}) lower than the minimum L_{eq} value for that time period, as specified in Table 205-1.

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TABLE 205-1
Minimum Values for One Hour Leq by Time of Day

Class Hours (Leq, dBA)		
Time of Day	Class 1 Area	Class 2 Area
0700-1900	50	50
1900-2300	47	45
2300-0700	45	45

ANNEX PUBLICATION NPC-205 **SOUND LEVEL LIMITS FOR STATIONARY SOURCES** **IN CLASS 1 AND 2 AREAS (URBAN)**

A.1. General

In general, noises are annoying because they are heard over and above the level of the so-called "background" or surrounding environmental noise climate at a particular location. The standard for environmental noise acceptability of stationary sources is therefore expressed as the difference between noise from the source and the background noise.

The background noise is essentially made up of the road traffic noise which creates an "urban hum". It may also include contributions from existing industry or commercial activity adjacent to the stationary source under investigation. Contributions of these secondary noise sources are considered to be a part of urban hum and may be included in the measurements or calculation of the background sound levels, provided that they are not under consideration for noise abatement by the Municipality or the Ministry of Environment and Energy.

The sound level limits specified in Section 8 of Publication NPC-205 represent the general limit for on noise produced by stationary sources. Some noises, however, are annoying no matter where or in what kind of environment they exist. High level impulsive noises represent a special category and, consequently, are restricted by an absolute limitation. Sections 9 and

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10 of this Publication provide criteria of acceptability for specific impulse noise sources.

A.2. Application

The limits presented in Publication NPC-205 are designed for the control of noise from sources located in industrial, commercial or residential areas. The limits apply to points of reception located in Class 1 and Class 2 Areas.

Sound level limits contained in Publication NPC-205 do not apply to the excluded noise sources listed in Section A.3 (2) and neither do they apply to any equipment, apparatus or device used in agriculture for land crop seeding, chemical spraying or harvesting. In addition, several specific noise sources have been addressed in separate Publications. Limits for residential air conditioners are contained in Publication NPC-216 - Residential Air Conditioning Devices, Reference [8], and the limits for blasting operations in quarries and surface mines are contained in Publication NPC-119 Blasting, Reference [7].

A.3. Stationary Source

The objective of the definition of a stationary source of sound is to address sources such as industrial and commercial establishments or ancillary transportation facilities. In order to further clarify the scope of the definition, the following list identifies examples of installations, equipment, activities or facilities that are included and those that are excluded as stationary sources.

A.3(i) Included Sources

Individual stationary sources such as:

Heating, ventilating and air conditioning (HVAC) equipment;

Rotating machinery;

Impacting mechanical sources;

Generators;

Burners;

Cooling towers.

Facilities, usually comprising many sources of sound. In this case, the stationary source is understood to encompass all the activities taking place within the property boundary of the facility. The following are examples of such facilities:

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Industrial facilities;

Commercial facilities;

Ancillary transportation facilities;

Aggregate extraction facilities;

Warehousing facilities;

Maintenance and repair facilities;

Snow disposal sites;

Refriger loading and unloading facilities (supermarkets, assembly plants, etc.);

Other sources such as:

Car washes;

Race tracks;

Firearm Ranges

A.1.2) Excluded Source:

Specific sources or facilities:

Construction activities;

Transportation corridors, i.e., roadways and railways;

Residential air conditioning devices including air conditioners and heat pumps;

Gas stations;

Auditory warning devices required or authorized by law or in accordance with good safety practices;

Occasional movement of vehicles on the property such as infrequent delivery of goods to convenience stores, fast food restaurants, etc.

Other noise sources normally addressed in a qualitative manner in municipal noise by-laws

The operation of auditory signalling devices, including but not limited to the ringing of bells or gongs, and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means;

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Noise produced by animals kept as domestic pets such as dogs barking.

Tools and devices used by occupants for domestic purposes such as domestic power tools, radios and televisions, etc., or activities associated with domestic situations such as domestic quarrels, noisy parties, etc.,

Noise resulting from gathering of people at facilities such as restaurants and parks.

Activities related to essential service and maintenance of public facilities such as but not limited to roadways, parks and sewers, including snow removal, road clearing, road repair and maintenance, lawn mowing and maintenance, sewage removal, garbage collection, etc.

4. Predictable Worst Case Impact

The assessment of noise impact requires the determination of the "predictable worst case" impact. The "predictable worst case" impact assessment should establish the largest noise excess produced by the source over the applicable limit. The assessment should reflect a planned and predictable mode of operation of the stationary source.

It is important to emphasize that the "predictable worst case" impact does not necessarily mean that the sound level of the source is highest; it means that the excess over the limit is largest. For example, the excess over the applicable limit at night may be larger even if the day-time sound level produced by the source is higher.

A.5 Definitions

In the interpretation of Publication NPC-205, the following definitions are of particular relevance.

Ancillary Transportation Facilities

"Ancillary transportation facilities" mean subsidiary locations where operations and activities associated with the housing of transportation equipment (or personnel) take place. Examples of ancillary transportation facilities include, but are not limited to, substations, vehicle storage and maintenance facilities, fans, fan and vent shafts, mechanical equipment plants, emergency services buildings, etc.

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Construction

"Construction" includes creation, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, connecting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith; "construction" excludes activities associated with the operation at waste and snow disposal sites.

Construction Equipment

"Construction equipment" means any equipment or device designed and intended for use in construction, or material handling including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway tractors or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

Conveyance

"Conveyance" includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only within the premises of a person.

Highway

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

Motor Vehicle

"Motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of diesel, electric or steam rail

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ways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry, or road-building machine within the meaning of the Highway Traffic Act;

Motorized Conveyance

"Motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravity, traction or wind power;

Noise

"Noise" means unwanted sound;

Point of Reception

"Point of reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received.

For the purpose of approval of new sources, including verifying compliance with section 9 of the *Environmental Protection Act*, the point of reception may be located on any of the following existing or zoned for future use premises: permanent or seasonal residences, hotels, motels, nursing retirement homes, rental residences, hospitals, camp grounds, and noise sensitive buildings such as schools and places of worship.

For equipment facilities proposed on premises such as nursing retirement homes, rental residences, hospitals, and schools, the point of reception may be located on the same premises.

Stationary Source

"Stationary source" means a source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance.

Urban Hum

"Urban Hum" means aggregate sound of many unidentifiable, mostly road traffic related noise sources.

NOISE - AIR CONDITIONING DEVICES

**SOUND LEVELS DUE
TO ROAD TRAFFIC**

PUBLICATION NPC-206

OCTOBER 1995

Ministry of Environment and Energy

NOISE - AIR CONDITIONING DEVICES

1. Scope

This Publication describes the methods to determine the One Hour Equivalent Sound Level ($L_{eq,1h}$) of sound caused by road traffic. The road traffic sound level is used to define sound level limits for the purposes of complaint investigation or approval of stationary sources of sound.

The methods apply at a point of reception in any community where the background sound level is dominated by the sound of road traffic, referred to as "urban hum". Highly intensive short duration noise caused by a source such as an aircraft fly-over or a train pass-by is excluded from the determination of this background sound level.

2. References

Reference is made to the following publications:

[1] NPC-101 - Technical Definitions

[2] NPC-102 - Instrumentation

[3] NPC-103 - Procedures

[5] NPC-206 - Sound Level Limits for Stationary Sources in Class I & 2 Areas (Urban)

[11] CORN (MPE) - Onroad Road Noise Analysis Method for Environment and Transportation Technical Document, Ontario Ministry of the Environment, ISBN 0-7729-6337-0, 1989

References [1] to [5] are included in the Model Municipal Noise Control By-Law, Ontario Ministry of the Environment Final Report, August 1978

3. Technical Definitions

"Ambient sound level" means Background sound level;

"Background sound level" is the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. Highly intensive short duration noise caused by a source such as an aircraft fly-over or a train pass-by is excluded from the determination of the background sound level.

Other technical terms are defined in Reference [1].

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4. Sound Levels due to Road Traffic

Depending on the application, the One Hour Equivalent Sound Level (L_{Aeq}) of road traffic shall be obtained either by measurement or by calculation. The following procedures shall be used for complaint investigation and for the approval of stationary sources:

(1) Complaint Investigation of Stationary Sources

The One Hour Equivalent Sound Level (L_{Aeq}) of road traffic may be measured or calculated. Measurements of the One Hour Equivalent Sound Level (L_{Aeq}) of road traffic shall be carried out using instrumentation described in Reference [2], following procedures for the measurement of varying sound described in Reference [3].

The results of the road traffic L_{Aeq} measurements must not be affected by the sound due to other noise sources: the measurements should be performed when the stationary source under impact assessment is not operating. The time interval between the road traffic L_{Aeq} measurements and the measurement of the sound level produced by the stationary source under impact assessment should be minimized as much as possible. Preferably, the two measurements should be carried out within one hour of each other.

The calculation of the One Hour Equivalent Sound Level (L_{Aeq}) of road traffic shall be based on the traffic flows observed on the contributing road(s), from which traffic noise is audible at the point of reception, within one hour of the period when the sound from the stationary source is measured. The calculation procedure is described in Reference [1].

(2) Approval of Stationary Sources

Measurements of the One Hour Equivalent Sound Level (L_{Aeq}) of road traffic shall be carried out following procedures for the measurement of varying sound described in Reference [3].

Results of the measurement of the One Hour Equivalent Sound Level (L_{Aeq}) of road traffic shall reflect the principle of "predictable worst case" noise impact. The "predictable worst case" noise impact occurs during the hour when the difference between the sound level produced by the stationary source under impact assessment and the sound level due to road traffic is largest.

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The One Hour Equivalent Sound Level L_{Aeq} of road traffic may be calculated on the basis of traffic flows observed on the contributing road(s) from which traffic noise is audible at the point of reception. The results of calculation of the One Hour Equivalent Sound Level L_{Aeq} of road traffic shall reflect the principle of "predictable worst case" noise impact. The calculation procedure is described in Reference [1].

NOISE - AIR CONDITIONING DEVICES

RESIDENTIAL

AIR CONDITIONING DEVICES

PUBLICATION NPC-216

1993

Ministry of Environment and Energy

NOISE - AIR CONDITIONING DEVICES

1. Scope

This publication sets out sound level limits and source emission standards for residential air conditioning devices including heat pumps installed in urban areas of Ontario.

2. References

Reference is made to the following Publications or revisions thereof:

[1] NPL-101 - Technical Definitions

[2] NPL-102 - Instrumentation

[3] NPL-103 - Procedures

[4] NPL-104 - Sound Level Adjustments

[6] NPL-206 - Sound Levels due to Road Traffic

[10] ORNAMENT, Ontario Road Noise Analysis Method for Environment and Transportation Technical Document, Ontario Ministry of the Environment, ISBN 0-7729-6376 (1989)

[12] Survey of Outdoor Air Conditioner Noise, Final Report, BAC Report #1586, Ontario Ministry of the Environment, ISBN 0-7729-9094-8 (1984)

[13] Environmental Noise Guidelines for the Installation of Residential Air Conditioning Devices, Ontario Ministry of Environment and Energy, ISBN 0-7729-1616-4 (1984)

[14] ANSI Standard 270-84, Sound Rating of Outdoor Unitary Equipment.

[15] ANSI Standard 275-84, Application of Sound Rated Outdoor Unitary Equipment.

[16] ANSI Standard S12.32-1990, Discrete Frequency and Narrow-Band Noise Sources in Reverberant Rooms, Precision Methods for the Determination of Sound Power Levels.

References [1] to [6] are also part of the Model Municipal Noise Control By-law, of the Ontario Ministry of the Environment.

* A Greenhouse and Refrigerant Test Unit 490 No. 01-1-1-1, Clive, Suite 225, Midway, N.Y. 22204

NOISE - AIR CONDITIONING DEVICES

3. Technical Definitions

"Ambient sound level" is the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. (See Background sound level)

"Background sound level" means Ambient sound level.

"Class 1 Area" means an area with an acoustical environment typical of a major population centre, where the background noise is dominated by the urban hum.

"Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low ambient sound level, normally occurring only between 23:00 and 07:00 hours in Class 1 Areas, will typically be realized as early as 19:00 hours.

Other characteristics which may indicate the presence of a Class 2 Area include:

- absence of urban hum between 19:00 and 23:00 hours;
- ambient sound level is defined by natural environment and infrequent human activity; and
- no clearly audible sound from stationary sources other than those under consideration.

"Class 3 Area" means an area with an acoustical environment that is dominated by natural sounds typical of agricultural or wilderness areas and having little or no road traffic, such as the following:

- a small community with less than 1000 population;
- farmland or land zoned rural or agricultural;
- a rural residential area such as a cottage or a resort area; or
- a wilderness area.

¹In the context of this publication, the stationary sources under consideration are those that are "controllable" devices.

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4. **Sound Level Limits for Air Conditioning Devices.** Either the general sound level limit in Section 4(1) or the specific sound level limit in Section 4(2) shall apply to an air conditioning device. The less restrictive of these two limits shall prevail.

(1) **General Sound Level Limit**

The general sound level limit (shown in Table 216-1 and determined in accordance with Section 4(2)) is 5 dBA greater than a one hour equivalent sound level (L_{eq}) caused by road traffic at the point of reception during the period of 07:00 to 21:00 hours. The specific hour is to be determined by the noise control officer based on the assessment of annoyance by the complainant.

**TABLE 216-1
GENERAL SOUND LEVEL LIMIT**

All Air Conditioning Devices	
Area Type	L_{eq} (dBA)
Class 1	One Hour Equivalent Sound Level (L_{eq}) of road traffic 5 dBA measured during the period of 07:00 to 21:00 hours
Class 2	Establishment of the General Sound Level Limit The general sound level limit shall be established through measurements or calculation of the One Hour Equivalent Sound Level (L_{eq}) caused by road traffic as obtained pursuant to Reference [6] at the point of reception.
(3)	Specific Sound Level Limits Specific sound level limits are identified in Table 216-2 for two types of residential air conditioning devices as minimum limits of compliance.

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TABLE 216-2
SPECTRIC SOUND LEVEL LIMITS

Central Air Conditioning Devices

Area Type	One Hour L_{eq} (dB(A))
Class 2	45
Class 1	50*

Window or Through-the-Wall Air Conditioning Devices

Area Type	One Hour L_{eq} (dB(A))
Class 2	45
Class 1	50

- * When the devices are mandatory requirements for noise control in the interior living spaces of new land use developments, the specific sound level limit is one hour $L_{eq} = 55$ dB(A).

5. Sound Levels from Installed Air Conditioning Devices
To determine if an installed air conditioning device complies with the sound level limits, the sound level due to the device must be measured following the procedure described in Reference [3].

The Procedure assumes that the measured sound is dominated by the source under investigation (air conditioning device). To ensure that the measured sound is dominated by the air conditioning device, sound level measurements must be carried out separately with, and without the device in operation.

The measurement of the background sound level, i.e., without the air conditioning device operating, is carried out in accordance with the procedure described in Reference [3].

If the change in sound level measured separately with, and without the air conditioning device is less than 10 dB(A), a correction shall be made to determine the contribution of the existing background sound levels to the overall measured sound level. Table 216-3 provides correction values and a sample of the calculation.

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**TABLE 216-3
PROCEDURE RECOMMENDED TO SEPARATE THE SOUND
LEVEL OF AN AIR CONDITIONING DEVICE FROM THE
BACKGROUND SOUND LEVEL**

Change in dBA of Sound Level with and without Unit in Operation		Correction dBA to be Subtracted from Higher Sound Level to Obtain Sound Level from Device
10 or more		0
5 to 9	1	
4 to 6	2	
3	3	
2	4	
1	6	
0	10	
Example: Sound level, without unit in operation		45 dBA
Sound level with unit in operation		50 dBA
Change:		5 dBA
Correction from Table		2 dBA
Unit sound level		$50 - 2 = 48 \text{ dBA}$

- b. Sound Emission Standards.
Table 216-4 gives the sound emission standards for new residential central air conditioning devices.

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TABLE 216-4
SOUND EMISSION STANDARDS FOR RESIDENTIAL
CENTRAL AIR CONDITIONING DEVICES

Range of Manufacture	Size, Btu/h	Maximum ARI Soundpower Sound Rating (dBA)
After 1990 (2-3) if before 1992 (3-4)	35,000 or less	5.0
After 1990 (2-3) and before 1992 (4)	35,000 or less	7.0
After 1990 (2-3)	35,000 or less and availability	11.0 or less, as an average, measured at 10 ft. distance

Btu/h = British Thermal Unit for an Hour

* Measurement procedure as per Reference [14].

ANNEX EXPLANATORY NOTES TO PUBLICATION NPC 216 RESIDENTIAL AIR CONDITIONING DEVICES

A.1. Sound Level Measurements - Summary

Verification of compliance of the air conditioner and heat pump units with the sound level limits can be accomplished through measurements using a properly calibrated sound level meter which meets the required standard specifications.

Details of the instrument specifications are included in Reference [2].

The measurements shall be performed outdoors at a sensitive location on neighbouring residential property in the vicinity of the air conditioning device, where the sound of the device may cause annoyance. Typical sites would be a patio or window.

The measurements may also be required at a point of reception in the plane of an open window facing the unit to ensure that the

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sound level in noise sensitive indoor spaces in a neighbouring residence is not in excess of the guideline limits. Details of the measurement procedure are included in Reference [3].

A.2 Sound Level Limits

People's response to noise varies depending upon the community's as well as the individual's economic and social relationship to the source. The sound level limits for air conditioning and heat pump noise were established based on the results of sociological surveys of large numbers of people and represent what is considered to be the onset of significant degradation of the noise environment relative to the expectations of the general population.

The sound level limits are receptor oriented, i.e. they apply at any noise sensitive location within a Class 2 or Class 1 Area (as defined in NPC-2) for which sound from the air conditioning device may cause annoyance.

The specific limits shown in Table 216-2 are expressed in terms of the one hour equivalent sound level L_{eq} and apply to receptor locations in Class 1 and Class 2 Areas.

A separate limit applies to these receptor locations in Class 1 Areas where the unit was a mandatory requirement for noise control of the interior living space in new land use developments.

A prescription in the form of a general limit applies to an area of relatively high background noise caused by road traffic as shown in Table 216-1. In accordance with this prescription, the existing background sound level if higher than the limits in Table 216-2 represents the criterion of acceptability for the air conditioning device operation. In addition, the general limits are increased by 5 dB(A) for any hour from 07:00 to 21:00 hours. The period of assessment was chosen in accordance with the findings of a sociological survey conducted in 1990 (Reference [12]).

A.3 Complaint Investigation

Investigators of a complaint against installed air conditioning devices must carry out sound level measurements at the receptor location(s). The measurements are to be made in accordance with methods identified in Section A.1. The operating sound of the air conditioning device and the background sound consist-

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ing or the road traffic noise must be measured at the same location, separately. While the background sound level is measured the air conditioning device must be turned off. Contributions from aircraft and rail noise sources must be inhibited at all times. Unattended measurements are not recommended. Atmospheric conditions may have significant influence on the ambient sound levels, for details see Reference [3].

The sound level of an installed air conditioning device may be calculated from the sound levels measured with the device operating (device plus background noise) and without it operating (background only). The procedure is described in Section 5. A correction value is determined between these two sound levels. Subtracting this correction from the higher sound level (measured with the device in operation) gives the sound level due to the air conditioning device itself, see Table 216-3.

Determination of the road traffic sound level is to be made by the noise control officer based on the assessment of the annoyance by the complainant(s). The time of highest annoyance within the time period of 07:00 to 23:00 is to fall in the selected one hour of the road traffic noise.

A.4. Installation of Air Conditioning Devices

Purchasers and installers of air conditioning devices have to be cognizant of the MOHL guideline on the Sound Emission Standards, cited in Table 216-4. Further explanation of the standards is provided in Section A.5. Only units meeting the requirements of Table 216-4 may be installed in Origin 3.

For guidance on the selection, location or sound rating of the air conditioning devices or for the method to estimate the sound levels, installers should refer to Reference [13].

Installation of units that are in compliance with the sound emission standard must also be in compliance with the point of reception sound level limits, i.e. complying with the least restrictive sound level limit of Tables 216-1 and 216-2.

If the calculated sound level of the unit is in excess of the specific sound level limit (Table 216-2), the general sound level limit is to be determined. If both limits are exceeded by the calculated levels then alteration is needed in one or more of the following: the size or make of unit, its location or the type of noise

NOISE - AIR CONDITIONING DEVICES

reducing infiltration treatment (use of barrier or enclosure).

Owners of installed units producing a sound level in excess of the sound level limits will be required to reduce the noise of the unit, when faced with complaints.

Noise abatement is more expensive and less cost effective than a proper installation.

A.5. Sound Emission Standards

In contrast to the sound level limits which apply at the point of reception, sound emission standards are source oriented, and are based on the concept of sound power level, which is a basic measure of the acoustic output of a noise source.

The sound level of the air conditioner or heat pump at a receptor location depends on many factors such as distance, separation, unit's orientation with respect to the receptor, presence of shielding objects or structures, intervening terrain, topography and ground cover between the unit and receptor, as well as on atmospheric conditions, all of which are independent of the actual sound emission of the unit.

Sound power level, on the other hand, is a fundamental property of the acoustic source alone, and is, therefore, an important absolute parameter which is widely used for rating and comparing sound sources.

The rating of air conditioner and heat pump equipment is designated as the ARI Sound Rating (SR[®]) and is provided by the manufacturer of the device.

The Sound Rating is based on laboratory tests performed at Standard Rating Conditions in accordance with References [11] and [16]. The SR is an indication of the sound power level of the equipment; the lower the SR, the lower the sound power of the air conditioner or heat pump.

Sound Emission Standards in Table 216-4 apply to central air conditioning devices only, and not for window or through-the-wall units.

The maximum acceptable ARI Standard Sound Ratings shown in Table 216-4 are set in accordance with the date of manufacture.

NOISE - AIR CONDITIONING DEVICES

ture. Two Sound Emission Standard, 3, 8, 6 and 7 dbels are specified for air conditioner and heat pump units manufactured during 1981, and during 1982 through 1994 respectively. The Sound Emission Standard applies to unit that are sized at 35,000 Btu/h capacity or less. The emission limits projected after 1994 are under discussion with the industry to assess the feasibility of reduction.

*SPL is time corrected A-weighted sound power level, expressed in dbels.

GENERAL

Chapter 450 NOISE

Article 1 INTERPRETATION

- 450.1.1 Noise - defined
- 450.1.2 Offense - defined

Article 2 UNUSUAL NOISE - PROHIBITED

- 450.2.1 Unusual noise - prohibited
- 450.2.2 Adult of dwelling - responsibility

Article 3 MOTOR VEHICLE

- 450.3.1 Warning device - lawful use only
- 450.3.2 Warning device - unreasonable period
- 450.3.3 Disrepair - misadjustment
- 450.3.4 Motor vehicles
- 450.3.5 Exhaust - except through muffler

Article 4 ANIMAL OR BIRD

- 450.4.1 Unreasonable disturbance - of the peace

Article 5 STEAM - AIR - GASEOUS MATERIAL

- 450.5.1 Whistle - attached to boiler - other mechanisms

NOISE

450.5.2 Venting - pressure release

Article 6 CONSTRUCTION WORK

450.6.1 Excavation - demolition - alteration - time limit

Article 7 RADIO - AMPLIFIER - PUBLIC ADDRESS SYSTEM

450.7.1 Radio - television - record or tape player

450.7.2 Attracting attention - to performance - advertising

450.7.3 Motor vehicle - radio operated from

Article 8 OTHER NOISES

450.8.1 Air conditioning equipment

450.8.2 Shouting - yelling - hooting - whistling - singing

450.8.3 Quiet zones - school - hospital - court

Article 9 EXCEPTIONS

450.9.1 Prohibitions - where not applicable

450.9.2 Use - amplification - in a reasonable manner

450.9.3 Band or parade - having written permission

450.9.4 Commercial calling - legitimate - moderate

450.9.5 Police - Ambulance - public service

450.9.6 Radio - in motor vehicle - limitation

450.9.7 Railway - operation - plant

450.9.8 Public convenience - necessity

450.9.9 Exemption - snow removal - for safety

Article 10 ENFORCEMENT

450.10.1 Fine - for contravention

450.10.2 Inspection - right of entry

Article 1 INTERPRETATION

450.1.1 Noise - defined

Without limiting the generality of the provisions of Section 450.2.1 the following noises or sounds set out in Sections 450.3.1 through 450.3.3, inclusive, shall be deemed to be unusual noises or noises likely to disturb the inhabitants. By-law 87-258, 13 October, 1987

450.1.2 Officer - defined

"Officer" means any municipal law enforcement officer or by Law enforcement officers of The Corporation of the City of Kitchener and any member of the Waterloo Regional Police Services. By Law 2009-061, 6 April, 2009

Article 2 UNUSUAL NOISE - PROHIBITED

450.2.1 Unusual noise - prohibited

No person shall, within the territorial limits of the City, ring any bell, blow or sound any horn or cause or permit the same to be rung, blown or sounded, shout or make any unusual noise or noise likely to disturb the inhabitants or cause or permit the same to be made. By-law 87-258, 13 October, 1987

450.2.2 Adult of dwelling - responsibility

Every adult tenant and every adult occupant of a dwelling unit is deemed to permit noise likely to disturb the inhabitants contrary to this Chapter where unusual noise or noise likely to disturb the inhabitants emanates from the dwelling unit. By-law 2009-191, 18 November, 2009

Article 3 MOTOR VEHICLE

450.3.1 Warning device - lawful use only

The sounding of any bell, horn, siren or other warning device on any motor vehicle, motorcycle, snowmobile, bicycle or other vehicle of whatsoever kind except when permitted by law

450.3.2 Warning device - unreasonable period

The sounding of any such bell, horn, siren or warning device for an unnecessary or unreasonable period of time. By-law 87-258, 13 October, 1987.

450.3.3 Disrepair - maladjustment

The grating, grinding or rattling sound or noise caused by the condition of disrepair or maladjustment of any motor vehicle, motorcycle, snowmobile, trailer or other vehicle or part or accessory thereof while on private property. By-law 94-192, 11 October, 1994.

450.3.4 Motor vehicles

The sound or noise created by the operation of any motor vehicle, trailer or other vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create noise. By-law 87-258, 13 October, 1987.

450.3.5 Exhaust - except through muffler

The sound or noise from the discharge into the open air of the exhaust of any steam engine or internal combustion engine, including the engine of an auto-mobile, motor vehicle and snowmobile, while on private property, except through a muffler or other device which effectively prevents loud or explosive noise. By-law 95-95, 19 June, 1995.

Article 4**ANIMAL OR BIRD****450.4.1 Unreasonable disturbance - of the peace**

The sound by any animal or bird which unreasonably disturbs the peace, quiet, comfort or repose of any person in any residence and/or yard associated with a residence. By-law 97-186, 13 May, 1997.

Article 5**STEAM - AIR - GASEOUS MATERIAL****450.5.1 Whistle - attached to boiler - other mechanisms**

The sound or noise from any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or of a warning of danger.

450.5.2 Venting - pressure release

The sound or noise produced by the venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, compressor, pressure vessel, pipe, valve, machine, device or system which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence. By-law 87-258, 13 October, 1987.

Article 6
CONSTRUCTION WORK

450.6.1 Excavation - demolition - alteration - time limit

The sound or noise arising between the hour of 7 o'clock p.m. of every day and 7 o'clock a.m. of the following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building or structure except in case of urgent necessity. By-law 2000-71 8 May, 2000

Article 7
RADIO - AMPLIFIER - PUBLIC ADDRESS SYSTEM

450.7.1 Radio - television - record or tape player

The sound or noise from or created by any radio, television, record player, tape player, amplifier, loud speaker, public address system, musical instrument or equipment, device or instrument which emits sound when the same is played or operated in such manner or with such volume as to disturb the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence.

450.7.2 Attracting attention - to performance - advertising

The sound or noise from or created by any drum, horn, bell, radio, record player, tape player, amplifier, loudspeaker, public address system or equipment, device or instrument which emits sound when the same is played or operated for the purpose of advertising or for attracting attention to any performance or sale, show or display of goods, wares or merchandise and projects such sound or noise into any street or other public place.

450.7.3 Motor vehicle - radio operated from

The sound or noise from or created by any radio, record player, tape player, amplifier, loud speaker, public address system or equipment, device or instrument which emits sound when the same is used or operated from any motor vehicle, trailer or other vehicle except for such time and under such conditions as the Regional Chief of Police may prescribe.

Article 8
OTHER NOISES

450.8.1 Air-conditioning equipment

The sound or noise produced by the operation of residential air-conditioning equipment which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence.

450.8.2 Shouting - yelling - hooting - whistling - singing

Any shouting, yelling, hooting, whistling or singing which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence and arises between the hour of 11 o'clock p.m. of any Sunday, Monday, Tuesday, Wednesday or Thursday and the hour of 7 o'clock a.m. of the following day unless the following day is a holiday for between the hour of 1 o'clock a.m. and the hour of 7 o'clock a.m. of any Saturday, Sunday or holiday.

450.8.3 Quiet zones - school - hospital - court

Any unreasonable or unnecessary noise in the vicinity of any school, hospital or court while same is in session, provided that conspicuous signs are displayed in or upon the streets adjoining any such school, hospital or court indicating that such noises are prohibited in the vicinity.

Article 9 EXCEPTIONS

450.9.1 Prohibitions - where not applicable

That none of the provisions of this Chapter shall apply in the circumstances set out in Sections 450.9.2 through 450.9.8, inclusive.

450.9.2 Use - amplification - in a reasonable manner

The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the City in connection with any public election meeting, public celebration or other lawful gathering, provided that written permission of Council has first been obtained.

450.9.3 Band or parade - having written permission

Any band or parade operating under written permission first obtained from Council.

450.9.4 Commercial calling - legitimate - moderate

Any newsperson, pedlar, hawk or petty tradesperson plying his/her calling legitimately and moderately.

450.9.5 Police - Ambulance - public service

Any vehicle of the police or fire department, any ambulance or any public service or emergency vehicle while answering a call.

450.9.6 Radio - in motor vehicle - limitation

Any sound from any private radio in a motor vehicle, or installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of 25 feet (7.62 metres) from such vehicle.

450.9.7 Railway - operation - plant

Any sound arising from the operation of any railway which operates under the *Railway Act of Canada* or from any plant or work in connection with any such railway.

450.9.8 Public convenience - necessity

Any case of public convenience or necessity, 76-Law-87-258, 13 October 1987.

450.9.9 Exemption - snow removal - for safety

The provisions of this Chapter shall not apply to snow clearing or removal activities that are necessary for maintaining property in a safe condition. By-Law 2010-191, 15 November 2010.

**Article 10
ENFORCEMENT****450.10.1 Fine - for contravention**

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable upon conviction to a fine not exceeding Ten Thousand Dollars (\$10,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. This Section comes into force April 1, 2011. By-Law 91-186, 13 May, 1991. By-Law 2010-191, 15 November 2010. By-law 2011-012, 24 January, 2011.

450.10.2 Inspection - right of entry

An officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this Chapter is being complied with. Entry to any place actually being used as a dwelling unit shall be subject to the requirements of the *Municipal Act, 2001*. By-Law 2009-064, 6 April 2009.

GENERAL

Chapter 467 PUBLIC NUISANCES

Article 1 INTERPRETATION

- 467.1.1 City - defined
- 467.1.2 Nuisance - defined
- 467.1.3 Public place - defined

Article 2 GENERAL PROVISIONS

- 467.2.1 Public nuisance - prohibited
- 467.2.2 Garbage - other dumping - unauthorized - prohibited
- 467.2.3 Waste - recyclables - collection - disturbing - prohibited
- 467.2.4 Waste - on City property - disturb - prohibited
- 467.2.5 Pedestrians - interference - impeding - prohibiting
- 467.2.6 Enforcement - authorized persons - designated
- 467.2.7 Exception - police officer - on duty

Article 3 ENFORCEMENT

- 467.3.1 Fine for contravention
- 467.3.2 Severability

WHEREAS, the *Municipal Act, 2001* S.O. 2001 c. 25, section 8 provides that the power of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS the *Municipal Act, 2001* S.O. 2001 c. 25, section 2, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS, the *Municipal Act, S.O. 2001 c. 25, section 127* provides that Council may prohibit the depositing of refuse or debris on the land without the consent of the owner or occupant of the land;

AND WHEREAS, the *Municipal Act, S.O. 2001 c. 25, section 128* provides that a local municipality may prohibit and regulate with respect to public nuisance, including matters that, in the opinion of Council, are or could be, one or more public nuisances;

AND WHEREAS, Council of The Corporation of The City of Kitchener is of the opinion that the activities listed in the definition of "nuisance" herein, constitute public nuisances;

Article 1 INTERPRETATION

467.1.1 City - defined

"City" shall mean The Corporation of The City of Kitchener.

467.1.2 Nuisance - defined

"nuisance" shall mean any action or activity that creates a disturbance to residents of the municipality and shall include activities such as spitting, defecating, urinating, fighting, swearing, using profane or obscene language, impeding or molesting persons, obstructing the movement of persons, and damaging, defacing or vandalizing property.

467.1.3 Public place - defined

"public place" shall mean:

- (a) a place outdoors to which the public is ordinarily invited or permitted access and, for greater certainty, shall include sidewalks, streets, any portion of a road allowance, parking lots, swimming pools, conservation areas, parks, and playgrounds;
- (b) school grounds; and
- (c) land, premises, or buildings owned, managed, or maintained by the City.

Article 2 GENERAL PROVISIONS

467.2.1 Public nuisance - prohibited

No person shall cause, create, or permit a nuisance in a public place.

467.2.2 Garbage - other - dumping - unauthorized - prohibited

No person shall throw, drop, place, or otherwise deposit garbage, paper, plastic, or paper products, cans, rubbish, or other debris or any property, unless authorized by the owner or occupant of the property.

467.2.3 Waste - recyclables - collection - disturbing - prohibited

No person shall disturb, remove, or scatter collectible waste or recyclable waste after it has been placed for waste collection without the permission of the owner of the premises where the waste was generated.

467.2.4 Waste - on City property - disturb - prohibited

No person shall disturb, remove, or scatter any material placed in a garbage can or other receptacle for refuse or recyclables on any land owned, managed or maintained by the City.

467.2.5 Pedestrians - interference - impeding - prohibiting

No person shall block, interfere with or otherwise impede the passage of any pedestrian on any sidewalk or other pedestrian-way, or port on thereof without lawful excuse or authorization of either the City or the Regional Municipality of Waterloo.

467.2.6 Enforcement - authorized persons designated

The provisions of this Chapter may be enforced by a By-law Enforcement Officer, Municipal Law Enforcement Officer, Police Officer, or other individual duly appointed for the purpose of enforcing this Chapter. (By-law 2007-233, 10 December, 2007)

467.2.7 Exception - police officer - on duty

A police officer shall be exempt from the provisions of this Chapter as necessary to perform their work as a police officer. A person acting under the direction of a police officer and for police purposes shall be exempt from the provisions of this Chapter as necessary to follow such direction. (By-law 2008-150, 15 September, 2008)

Article 3 ENFORCEMENT

467.3.1 Fine for contravention

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5000), exclusive of costs, pursuant to the *Provincial Offences Act*.

467.3.2 Severability

Each and every of the provisions of this Chapter is severable and if any provision of this Chapter should for any reason be declared invalid by any court it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect. (Ord. 2007-233, 12 December, 2007)

GENERAL

Chapter 475 MANAGEMENT OF SHOPPING CARTS

Article 1 INTERPRETATION

475 1 1	Business hours - defined
475 1 2	City - defined
475.1.3	Council - defined
475.1.4	Officer - defined
475 1 5	Order - defined
475.1.6	Property - defined
475.1.7	Representative of the City - defined
475 1 8	Supplier of shopping carts - defined

Article 2 GENERAL PROVISIONS

475.2.1	Supplier - responsibility - reasonable and effective measures
475.2.2	Supplier - management plan

Article 3 ONGOING NUISANCE - SHOPPING CART MANAGEMENT PLAN REQUIRED

475 3 1	Ongoing nuisance - non-compliance
475.3.2	Management plan - contact requirement
475.3.3	Management plan - contact - respond to calls or complaints
475 3 4	Management plan - require to modify
475 3 5	Order to comply

MANAGEMENT OF SHOPPING CARTS

Article 4 REMOVAL OF SHOPPING CARTS BY THE CITY

- 475.4.1 Removal and disposal by City - Failure to Comply
475.4.2 Removal and disposal by City - Unsafe condition

Article 5 NOTICE PROVISIONS

- 475.5.1 Notice - recipient

Article 6 ENFORCEMENT

- 475.6.1 Offence - conviction - fine

ARTICLE 7 GENERAL

- 475.7.1 General

Article 1 INTERPRETATION

475.1.1 Business hours - defined

"business hours" shall mean 9:00 am to 5:00 pm on each day Monday to Friday but shall not include holidays as defined in the *Retail Business Holidays Act*, R.S.O. 1990, c. R 30.

475.1.2 City - defined

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

475.1.3 Council - defined

"Council" means the Council of the City;

475.1.4 Officer - defined

"Officer" means a By-law or Municipal Law Enforcement Officer of the City;

MANAGEMENT OF SHOPPING CARTS

475.1.5 Order - defined

"Order" shall mean an Order issued pursuant to section 4 of this Chapter;

475.1.6 Property - defined

"property" shall mean the location of the business including interior and exterior use areas associated with the business as well as any parking area commonly associated with the business or regularly used as parking by customers at the business,

475.1.7 Representative of the City - defined

"representative of the City" means any employee working for the by-law enforcement division, operations division, or corporate contact centre of the City; and

475.1.8 Supplier of shopping carts - defined

"Supplier of Shopping Carts" shall include any person providing shopping carts for customer use and shall, without limitation, include any business that supplies shopping carts and shall also include every director, owner, manager, and operator of such business.

Article 2 GENERAL PROVISIONS

475.2.1 Supplier - responsibility - nuisance prevention

Every Supplier of Shopping Carts shall:

- (a) take reasonable and effective measures to prevent the shopping carts from causing a nuisance;
- (b) take reasonable and effective measures to prevent shopping carts being taken from the property.
- (c) have a reasonable and effective plan in place to ensure timely collection of shopping carts that have left the property including shopping carts that have been removed from the property without permission;
- (c) ensure that any shopping cart that has left the property is retrieved within twenty-four (24) hours of receiving a notice or complaint about the location of the shopping cart, and
- (e) upon receiving a notice or complaint that the location of the shopping cart impedes traffic or pedestrians or causes an unsafe condition shall ensure that the shopping cart is retrieved within the lesser of three (3) business hours or twenty-four (24) hours

MANAGEMENT OF SHOPPING CARTS

475.2.2 Supplier - management plan

Every Supplier of Shopping Carts shall ensure that the business has a shopping cart management plan that includes measures to:

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- a) prevent carts being taken from the property;
- b) ensure timely collection of shopping carts that have left the property;
- c) ensure collection of shopping carts within twenty-four (24) hours of receipt of notice or complaint of location of the shopping cart; and
- d) where the shopping cart is in a location that impedes traffic or pedestrians or causes an unsafe condition, ensure collection of shopping carts within the lesser of three (3) business hours or twenty-four (24) hours.

Article 3

ONGOING NUISANCE -

ORDER FOR WRITTEN MANAGEMENT PLAN

475.3.1 Ongoing nuisance - non-compliance

When an Officer determines that a Supplier of Shopping Carts has failed on more than one occasion to comply with any of the requirements of section 2 of this Chapter, the Officer may issue an Order requiring a written shopping cart management plan that complies with section 3 of this Chapter to be submitted to the Officer. The Order shall contain the following:

- a) reasonable particulars of the contraventions of section 2 of this Chapter;
- b) the location of the land on which such contraventions occurred;
- c) the requirement to submit a written shopping cart management plan that complies with the requirements of section 3 of this Chapter; and
- d) the deadline for submission of the written shopping cart management plan.

475.3.2 Written management plan - contact requirement

In addition to meeting the requirements of section 3 of this Chapter, a written shopping cart management plan shall include the name and contact information for a person responsible for implementation of the shopping cart management plan and may include additional name(s) and contact information to ensure that someone is always available for contact purposes.

MANAGEMENT OF SHOPPING CARTS

475.3.3 Written management plan - contact - respond to calls or complaints

Where a written shopping cart management plan has been required, every Supplier of Shopping Carts shall ensure that:

- a) at least one of the person(s) whose name and contact information has been provided on the shopping cart management plan is available to respond to calls or complaints about shopping carts from the business; and
- b) that the shopping cart management plan is complied with

475.3.4 Written management plan - requirement to modify

Where a written shopping cart management plan has been provided to the City pursuant to this Chapter but the nuisance or violations of any provision of this Chapter continue, an Officer may require modifications to the written shopping cart management plan to address the concerns of the Officer and the Supplier of Shopping Carts shall ensure that such modifications are submitted to the City.

475.3.5 Order to comply

Every Supplier of Shopping Carts who is ordered to submit a written shopping cart management plan to the City shall comply with the Order.

Article 4

REMOVAL OF SHOPPING CARTS BY THE CITY

475.4.1 Removal and disposal by City - Failure to Comply

Where a Supplier of Shopping Carts fails to retrieve a shopping cart within twenty-four (24) hours of being requested by an Officer or representative of the City to do so, the City may retrieve the shopping cart and dispose of it.

475.4.2 Removal and disposal by City - Unsafe condition

Where in the opinion of an Officer or representative of the City a shopping cart is in a location where it impedes traffic or pedestrians or causes an unsafe condition and Supplier of Shopping Carts fails to retrieve a shopping cart within the lesser of three (3) business hours or twenty-four (24) hours of being notified by an Officer or a representative of the City to do so, the City may retrieve the shopping cart and dispose of it.

MANAGEMENT OF SHOPPING CARTS

Article 5 NOTICE PROVISIONS

475.5.1 Retrieval - notice - recipient

Any request to retrieve a shopping cart pursuant to this Chapter may be made by a representative of the City or an Officer:

- a) to any manager of a business at the location of the business during business hours whether or not a written shopping cart management plan is in place;
- b) where a manager is not at the business location or readily available, to any employee of the business at the location of the business during business hours whether or not a written shopping cart management plan is in place;
- c) where a written shopping cart management plan is in place by contacting any individual identified as a contact person on the shopping cart management plan; or
- d) where a written shopping cart management plan is in place by attempting to contact each individual identified as a contact person on the shopping cart management plan by phone provided a voicemail message is left for each person where the phone number provided allows the leaving of a message.

Article 6 ENFORCEMENT

475.6.1 Offence - conviction - fine

Every person who contravenes any provision of this Chapter including failing to comply with an Order under this Chapter, and every director or officer of a corporation who knowingly concurs in such contravention by a corporation is guilty of an offence and is liable, upon conviction, to a fine not exceeding ten thousand dollars (\$10,000) exclusive of costs, pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.33.

MANAGEMENT OF SHOPPING CARTS

ARTICLE 7 GENERAL

475.7.1 General

This Chapter shall be known as the "Shopping Cart Management By-law".

It is hereby declared that each and every of the foregoing sections of this Chapter is severable and that, if any provisions of this Chapter 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.

The Clerk of the City is hereby directed to make this by-law a part of The City of Kitchener Municipal Code by adding it to the Concordance and arranging and numbering it as Chapter 475 so as to fit within the scheme of the Code By-law 2017-051. 15 May 2017.

GENERAL

Chapter 465 ONTARIO MUNICIPAL BOARD SOLE ARBITRATOR

Article 1 DESIGNATIONS

- 465.1.1 Ontario Municipal Board
- 465.1.2 Public body – defined
- 465.1.3 Other arbitrable disputes

Article 2 REPEAL - ENACTMENT

- 465.2.1 By law – previous
- 465.2.2 Effective date

WHEREAS the Council of The Corporation of the City of Kitchener wishes to amend the provisions of the Municipal Code respecting the appointment of arbitrators for the settling of arbitrations involving the City as a party;

AND WHEREAS section 197 of the *Municipal Act, R.S.O. 1990, c. M.45*, as amended, provides that where a municipality does not have an Official Arbitrator appointed by the Lieutenant Governor in Council pursuant to the *Municipal Arbitration Act, R.S.O. 1990, c. M.48*, as amended, a judge of the Superior Court of Justice shall be the sole arbitrator, except where the Ontario Municipal Board has been designated as sole arbitrator by by-law enacted under section 198 of the *Municipal Act*;

AND WHEREAS the City of Kitchener does not have an Official Arbitrator, and has previously designated the Ontario Municipal Board as sole

*arbitration by by-law enacted pursuant to section 198 of the *Municipal Act*;*

AND WHEREAS the Council of the City of Kitchener has now determined that it would be appropriate that the Ontario Municipal Board continue to be arbitral in nature in respect of arbitrable matters between the City of Kitchener and other municipalities or public bodies, but that all other arbitrations to which the City is a party and which are governed by the *Municipal Act* or the *Municipal Arbitration Act*, be conducted before a judge of the Ontario Superior Court of Justice pursuant to section 127 of the *Municipal Act*;

Article 1

DESIGNATIONS

465.1.1 Ontario Municipal Board

The Ontario Municipal Board is hereby designated as the sole arbitrator for the City in respect of arbitrable disputes arising solely between the City and one or more municipalities or public bodies and in respect of matters falling within the jurisdiction of the said Board pursuant to section 198 of the *Municipal Act* R.S.O. 1990, c. M.45.

465.1.2 Public body - defined

For the purposes of Section 465.1.1, "public body" means any municipality, local board, government ministry or department, board, commission, agency or officer of a provincial or federal government or a First Nation.

465.1.3 Other arbitrable disputes

All other arbitrable disputes to which the City is a party and which are governed by the *Municipal Act* or the *Municipal Arbitration Act* shall be conducted before a judge of the Ontario Superior Court of Justice.

Article 2

REPEAL - ENACTMENT

465.2.1 By-law - previous

Chapter 465 of the City of Kitchener Municipal Code is hereby repealed.

465.2.2 Effective date

This Chapter shall come into force as of the date of the final passing of the enabling by-law. By-law 2002-129, 2 July, 2002