

GENERAL

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services provider where an appeal was requested in the time specified in the chapter but the request for an appeal was withdrawn or the appeal was dismissed as abandoned;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but confirmed designation shall not include a previous designation that has been replaced by a new confirmed designation.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

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.

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.