

CITY OF WATERLOO

BY-LAW NO. 98-92

BY-LAW RELATING TO DANGEROUS DOGS AND POTENTIALLY
DANGEROUS DOGS AND TO PROVIDE FOR THE LICENSING, REGULATION
AND PROHIBITION OF PIT BULL DOGS IN THE CITY OF WATERLOO.

WHEREAS it is deemed expedient to pass a by-law relating to dangerous dogs,
potentially dangerous dogs and pit bull dogs.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY
OF WATERLOO ENACTS AS FOLLOWS:

SECTION 1 DEFINITIONS:

1. In this by-law:

1.0 "City Pound" means the Animal Shelter operated by the Poundkeeper.

1.1 "Dangerous" dog means:

- (1) 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;
- (2) a dog that, in the absence of any mitigating factor, has significantly
injured a domestic animal, or
- (3) 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.

1.2 "Dog" means any dog, male or female, over the age of twelve (12) weeks.

1.3 "Dog Control Officer" includes the officers or employees of the Poundkeeper,
as designated by it.

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

- (1) the dog was, at the time of the aggressive behavior, acting in
defense of an attack by a person or domestic animal;
- (2) the dog was, at the time of the aggressive behavior, acting in
defense of its young or reacting to a person or domestic animal
trespassing on the property of its owner; or
- (3) the dog was, at the time of the aggressive behavior, being teased,
provoked or tormented.

1.5 "Muzzle" means a humane fastening or covering device that is:

- (1) of adequate strength placed over a dog's mouth to prevent it from
biting; and
- (2) approved by the Poundkeeper.

1.6 "Not under the control of any person" means not held on a leash, as prescribed
in this by-law, by the owner or any person, or not tied up.

1.7 "Owner" means an owner of a dog and includes a person who keeps or
harbors a dog and, where the owner is a minor, the person responsible for the
custody of the minor and "owns" and "owned" have a corresponding meaning.

1.8 "Pit Bull Dog" means a dog of any age which can be identified as a dog of one or more of the following breeds or mixed breeds by the Poundkeeper, namely:

- (1) Pit Bull Terrier; or
- (2) American Pit Bull Terrier; or
- (3) Pit Bull.

A Pit Bull dog does not include a dog that is registered or registrable as a Staffordshire Bull Terrier or an American Staffordshire Terrier with the Canadian Kennel Club.

1.9 "Potentially Dangerous" dog means:

- (1) 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 the owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling; or
- (2) a dog that has been impounded by the Poundkeeper or for whom the owner has been convicted on a total of three occasions within a twenty-four (24) month period for such dog being at large in the municipality.

1.10 "Poundkeeper" means the Kitchener-Waterloo & North Waterloo Humane Society.

1.11 "Prohibited" dog means:

- (1) a Pit Bull dog which is not a restricted dog;
- (2) a Pit Bull 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
- (3) 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.

1.12 "Restricted" dog means:

- (1) a dog that is a Pit Bull dog; and
- (2) a dog for which the owner has a valid 1996 or 1997 dog license as issued under Sections 2(a) or 3(a) of By-law 91-101, as amended, of the City of Waterloo or the corresponding sections of Chapter 238 (Dogs - Running at Large) of the City of Waterloo Municipal Code.

1.13 "Running at large" means:

- (1) when found in any place other than the premises of the owner of the dog and not under the control of any person and not under leash, and no leash shall exceed 1.8 metres (6 feet) in length;
- (2) when on the premises of the owner of the dog and not tied up or in a properly enclosed area, as prescribed in this by-law.

SECTION 2

DESIGNATING POTENTIALLY DANGEROUS DOGS:

- 2.0 Where the Poundkeeper designates a dog as a potentially dangerous dog, the Poundkeeper shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with any or all of the following requirements:
- 2.1 to keep the potentially dangerous dog, when it is on the lands and premises of the owner, confined:
- (1) within the owner's dwelling and under the effective control of an adult; or
 - (2) 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 Poundkeeper. The pen shall provide humane shelter for the potentially dangerous dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;
- 2.2 to keep the potentially dangerous dog under the effective control of an adult person and under leash, such leash to be approved by the Poundkeeper and not to exceed 1.8 metres (6 feet) in length, at all times when it is not confined in accordance with (a);
- 2.3 to securely attach a muzzle as defined in Section 1.5 to the potentially dangerous dog at all times when it is not confined in accordance with (a);
- 2.4 to permit the Poundkeeper to insert a microchip implantation in the potentially dangerous dog for the purpose of identifying the potentially dangerous dog;
- 2.5 to provide the Poundkeeper with the new address and telephone number of the owner within two (2) working days of moving the potentially dangerous dog;
- 2.6 to provide the Poundkeeper with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the potentially dangerous dog;
- 2.7 to advise the Poundkeeper within two (2) working days of the death of the potentially dangerous dog;
- 2.8 to advise the Poundkeeper forthwith if the potentially dangerous dog is running at large or has bitten or attacked any person or animal; and
- 2.9 to purchase and display, at the entrance to the owner's dwelling which a person would normally approach, a warning sign provided by the Poundkeeper. The sign shall be posted in such a manner that it cannot be easily removed by passersby and it is clearly visible to a person approaching the entrance.

SECTION 3

DESIGNATING DANGEROUS DOGS:

- 3.0 Where the Poundkeeper designates a dog as a dangerous dog, the Poundkeeper shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with the following requirements;
- 3.1 to keep the dangerous dog, when it is on the lands and premises of the owner confined:
- (1) within the owner's dwelling and under the effective control of an adult; or
 - (2) 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 Poundkeeper. The pen shall provide humane shelter for the dangerous dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;

- 3.2 to keep the dangerous dog under the effective control of an adult person and under leash, such leash to be approved by the Poundkeeper and not to exceed 1.8 metres (6 feet) in length, at all times when it is not confined in accordance with (a);
- 3.3 to securely attach a muzzle as defined in Section 1.5 to the dangerous dog at all times when it is not confined in accordance with (a);
- 3.4 to permit the Poundkeeper, or designate, to insert a microchip implantation in the dangerous dog for the purpose of identifying the dangerous dog;
- 3.5 to provide the Poundkeeper with the new address and telephone number of the owner within two (2) working days of moving the dangerous dog;
- 3.6 to provide the Poundkeeper with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the dangerous dog;
- 3.7 to advise the Poundkeeper within two (2) working days of the death of the dangerous dog;
- 3.8 to advise the Poundkeeper forthwith if the dangerous dog is running at large or has bitten or attacked any person or animal; and
- 3.9 to display at the front entrance to the owner's dwelling a warning sign provided by the Poundkeeper. The sign shall be posted in such a manner that it cannot be easily removed by passersby and it is clearly visible to a person approaching the entrance.

SECTION 4 RESTRICTED DOGS:

- 4.0 Where the Poundkeeper designates a dog as a restricted dog, the Poundkeeper shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with the following requirements:
- 4.1 to obtain, prior to April 1, 1997, a restricted dog license under SECTION 5 provided that the owner has obtained a dog license for the dog at any time in 1996 or 1997. If the Owner has never obtained a dog license for the dog, the owner shall have until February 17th, 1997 to obtain the restricted license
- 4.2 to keep such restricted dog, when it is on the lands and premises of the owner, confined:
 - (1) within the owner's dwelling and under the effective control of an adult; or
 - (2) 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 Poundkeeper. The pen shall provide humane shelter for the restricted dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children; and
 - (3) notwithstanding anything contained in Section (b) (ii) an enclosed pen shall not be required provided that the restricted dog successfully completes a Canine Good Citizen Test.
- 4.3 to keep the restricted dog under the effective control of an adult person and under leash, such leash to be approved by the Poundkeeper and not to exceed 1.8 metres (6 feet) in length, at all times when it is not confined in accordance with (b);
- 4.4 to securely attach a muzzle as defined in Section 1.5 to the restricted dog at all times when it is not confined in accordance with (b);
- 4.5 to permit the Poundkeeper, or designate, to insert a microchip implantation in the restricted dog for the purpose of identifying the restricted dog;
- 4.6 to provide the Poundkeeper with the new address and telephone number of the owner within two (2) working days of moving the restricted dog;

- 4.7 to provide the Poundkeeper with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the restricted dog;
- 4.8 to advise the Poundkeeper within two (2) working days of the death of the restricted dog;
- 4.9 to advise the Poundkeeper forthwith if the restricted dog is running at large or has bitten or attacked any person or animal;
- 4.10 to notify the Poundkeeper within two (2) working days of whelping in the event that the restricted dog has a litter. The owner shall deliver the offspring to the Pound within six (6) weeks of whelping to be disposed of in a humane manner; and
- 4.11 to display at the front entrance to the owner's dwelling a warning sign provided by the Poundkeeper. The sign shall be posted in such a manner that it cannot be easily removed by passersby and it is clearly visible to a person approaching the entrance.

SECTION 5

LICENCES FOR RESTRICTED DOGS:

- 5.0 Any license previously issued in 1997 under Section 2(a) or 3(a) of By-law 91-101, as amended, of the City of Waterloo or the corresponding sections of Chapter 238 (Dogs - Running at Large) of the City of Waterloo Municipal Code, in respect of a Pit Bull dog shall be deemed to have been cancelled effective as of April 1st, 1997. Where a license is cancelled pursuant to this section, the owner shall be entitled to a credit or refund on any paid-up license fee.
- 5.1 Every person residing temporarily or permanently within the limits of the City of Waterloo, being the owner of a restricted dog shall, on or before the 15th day of February in each year subsequent to 1997 renew the registration of such restricted dog with the City Treasurer or its designate, and shall procure a license therefor, which license shall expire on the 31st day of December in each year in which the same was issued.
- 5.2 Every owner of a restricted dog shall cause a dog tag to be securely affixed on the restricted dog at all times (until the tag is renewed or replaced) bearing figures or marks indicating that the license fee as hereinafter set out has been paid for the current year. Said tag shall be supplied by the City Treasurer or their designate, upon the payment of the license fee.
- 5.3 The dog tag shall bear the serial number and the year in which it was issued and a record of its issue shall be kept by the City Treasurer. Such registration shall set out the name and address of the owner, the name of the restricted dog, breed and date of the dog's last anti-rabies inoculation.
- 5.4 No restricted dog license or restricted dog tag shall be transferable between dogs.
- 5.5 Every license for a restricted dog issued hereunder is personal to the owner thereof and may not be assigned or transferred.
- 5.6 Upon application for a restricted dog license the owner may be required to produce a certificate signed by a practicing veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months prior to the date of application for a license.
- 5.7 The fee charged for the replacement of lost restricted dog tags shall be \$5.00.

SECTION 6

LICENSE FEE FOR RESTRICTED DOGS:

- 6.0 At the time of registration the owner applicant of a restricted dog shall be required to pay to the City Treasurer, a license fee pursuant to the following:
- 6.1 First License
- | | | |
|----|--|---------|
| 1) | For a restricted dog | \$75.00 |
| 2) | For a spayed or neutered restricted dog | \$15.00 |
| 3) | For a restricted dog which successfully
Completes a Canine Good Citizen test
in 1997 | \$15.00 |
- 6.2 Renewal of License for 1998 and Subsequent Years
- | | | |
|----|--|----------|
| 1) | For a restricted dog
on or before February 15 th , 1997 | \$75.00 |
| 2) | For a restricted dog after February 15 th , 1997 | \$100.00 |
| 3) | For a spayed or neutered restricted dog
on or before February 15 th , 1997 | \$15.00 |
| 4) | For a spayed or neutered restricted dog
after February 15 th , 1997 | \$20.00 |
| 5) | For a restricted dog which successfully
Completes a Canine Good Citizen test
In that calendar year | \$15.00; |
- 6.3 Before a license for a restricted dog which successfully completes a Canine Good Citizen test is issued, the owner shall provide the Poundkeeper with a certificate showing;
- (1) that his/her dog successfully completed the Canine Good Citizen test;
 - (2) the date on which the Canine Good Citizen test was successfully completed; and
 - (3) that his/her dog's microchip implantation number was scanned and recorded at the time of Canine Good Citizen test;
- 6.4 where a license for a restricted dog which successfully completes a Canine Good Citizen test is issued and a license have previously been issued for that calendar year, the owner shall be entitled to a credit or refund on the difference between the previously issued license fee and the fee for a restricted dog which successfully completes a Canine Good Citizen test.
- 6.5 a restricted dog license shall be obtained from the Kitchener-Waterloo and North Waterloo Humane Society, 250 Riverbend Drive, Kitchener. The owner applicant shall attend with the restricted dog and the leash and muzzle required by subsections 4.3 and 4.4.

SECTION 7

PROHIBITED DOGS:

- 7.0 Despite anything to the contrary in this or any other by-law of the City of Waterloo, the Poundkeeper may seize, impound and kill any prohibited dog.
- 7.1 Where the Poundkeeper designates a dog as a prohibited dog, the Poundkeeper shall serve notice of same upon the owner of such dog. Where the Poundkeeper has not yet seized and impounded the prohibited dog, the notice shall require the owner, upon receipt of such notice, to deliver the prohibited dog to the Pound within six (6) working days.

SECTION 8

GENERAL:

- 8.0 Despite by-law No. 91-101, as amended or Chapter 238 (Dogs - Running at Large) of the City of Waterloo Municipal Code, no owner or occupier of premises may keep more than three (3) Pit Bulls on one premises.
- 8.1 Despite By-law No. 91-101, as amended, or Chapter 238 (Dogs - Running at Large) of the City of Waterloo Municipal Code, newcomers to the City of Waterloo who produce proof of a valid dog license from another municipality for a Pit Bull dog shall not be issued a Waterloo Dog License of any nature or kind for that dog.
- 8.2 The Poundkeeper may release an impounded dog to its owner:
- (1) if the owner claims possession of the dog within three (3) working days after the date of seizure and impounding; and
 - (2) if the Poundkeeper is satisfied that the dog is licensed for the current year after identification of the dog by the owner and payment by the owner of Thirty-five (\$35.00) Dollars for the first day or any part thereof and seven (\$7.00) Dollars for each additional day or any part thereof which the dog has been impounded plus the cost of any immunization given under sub-section 8.9.
- 8.3 Despite sub-section 8.2, where a potentially dangerous dog, dangerous dog or restricted dog has been impounded for any reason, the Poundkeeper shall not restore the said dog to its owner or to any other person unless the Poundkeeper is satisfied that the person to whom the dog is to be restored is aware of and in compliance with the provisions of SECTIONS 2, 3 or 4, as the case may be. All fees otherwise payable to the Poundkeeper upon restoration of an impounded dog to its owner are payable by the owner of a potentially dangerous dog, a dangerous dog or a restricted dog for any length of time it may be held in the Pound pursuant to this Section.
- 8.4 Despite sub-section 8.2, where a prohibited dog has been impounded, the Poundkeeper may forthwith dispose of the dog in a humane manner.
- 8.5 The owner, if known, of every potentially dangerous dog, dangerous dog or restricted dog impounded, whether or not the dog is claimed by the owner from the Pound, shall be liable for the payment of the Pound fee and shall pay all fees on demand to the Poundkeeper.
- 8.6 Where any potentially dangerous dog, dangerous dog or restricted dog seized under the provisions of this by-law is injured or should be destroyed without delay for humane reasons or for the reasons of safety to persons or animals, the Poundkeeper may kill the dog in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or without offering it for sale.
- 8.7 The Poundkeeper shall keep a record of every dog impounded or seized under this by-law, including a description of the dog, the license and tag number if it wore a tag, and the date of disposition and the disposition made.
- 8.8 Where the owner of a potentially dangerous dog, a dangerous dog or a restricted dog which has been impounded is unable to demonstrate compliance with the provisions of SECTIONS 2, 3 or 4, as the case may be, to the reasonable satisfaction of the Poundkeeper, or refuses to do so, the Poundkeeper, after a reasonable period of time, may:
- (1) dispose of the dog in a humane manner; or
 - (2) sell the dog for such price as the Poundkeeper deems reasonable; or
 - (3) dispose of the dog pursuant to the *Animals for Research Act* and regulations thereunder.
- The sale price of any dog sold by the Poundkeeper shall belong to the Poundkeeper.
- 8.9 Any dog impounded not wearing a tag for the current year may be given an inoculation to provide immunization against rabies.

- 8.10 The City, its agents and servants, and the Poundkeeper shall not be liable for damages or compensation for any dog killed under the provisions of this by-law and no such damages or compensation shall be paid to any person.

SECTION 9

NOTICE:

- 9.0 The notice referred to in Sections 2, 3, 4 and 5 shall include:
- 9.1 a statement that the Poundkeeper has reason to believe that the dog is a potentially dangerous, dangerous dog, restricted dog or prohibited dog, as the case may be;
- 9.2 the requirements that the owner must comply with in accordance with this by-law and when such requirements take effect;
- 9.3 where the Poundkeeper has designated the dog as a prohibited dog, a statement that the dog will be disposed of in a humane manner; and
- 9.4 a statement that the owner may request, within five (5) working days of receipt of the Poundkeeper's notice, and is entitled to, a hearing by a committee designated by the Council of The Corporation of the City of Waterloo which may affirm or rescind the Poundkeeper's designation of the dog as potentially dangerous, dangerous, restricted or prohibited, as the case may be.

SECTION 10

APPEAL:

- 10.0 Where the owner of a dog who receives a notice from the Poundkeeper designating such dog as a potentially dangerous dog, dangerous dog, restricted dog or prohibited dog so requests in writing to the City Clerk of The Corporation of the City of Waterloo within five (5) working days of receipt of such notice, a committee of Council, to be known as the "Dog Designation Appeal Committee," shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within thirty (30) working days of the City Clerk's receipt for a hearing and such committee may:
- 10.1 when a dog has been designated by the Poundkeeper as a potentially dangerous dog or a dangerous dog,
- (1) affirm or rescind the Poundkeeper's designation of the dog;
 - (2) substitute its own designation of the dog as potentially dangerous or dangerous; or
 - (3) substitute its own requirements of the owner of a potentially dangerous dog pursuant to SECTION II;
- 10.2 when a dog has been designated by the Poundkeeper as a restricted dog or a prohibited dog affirm or rescind the Poundkeeper's designation of the dog.

SECTION 11

INQUIRY:

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

SECTION 12 **IMPOSITION OF REQUIREMENTS OF SECTIONS 2, 3, 4 AND 7:**

- 12.0 The requirements of SECTIONS 2, 3, 4 and 7 which may be imposed on a dog owner by the Poundkeeper pursuant to such Sections shall not be required until;
- 12.1 the time for requesting an appeal has expired without an appeal being requested;
- 12.2 an appeal has been requested and the request has been withdrawn or abandoned; or
- 12.3 an appeal has been requested and the Dog Designation Appeal Committee has issued its decision.

SECTION 13 **SERVING NOTICES:**

Any notices served by the Poundkeeper or requests for hearings made by an owner pursuant to this by-law shall be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth working day after the date of mailing.

SECTION 14 **THIS BY-LAW PREVAILS:**

- 14.0 In the event of a conflict or inconsistency between this by-law, Chapter 238 (Dogs - Running at Large) of the City of Waterloo Municipal Code or any other by-law, then By-law 98-92 of the City of Waterloo, as amended, shall prevail. All other provisions of By-law 91-101, as amended, of the City of Waterloo and Chapter 238 (Dogs - Running at Large) of the City of Waterloo Municipal Code, which do not conflict with By-law 98-92 of the City of Waterloo shall continue to apply to Pit Bull dogs and potentially dangerous or dangerous dogs.
- 14.1 Each and every of the provisions of this by-law is severable and if any provision of this by-law 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 shall remain in full force and in effect.

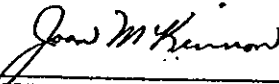
SECTION 15 **PENALTY PROVISIONS:**

Any person who contravenes any provisions of this by-law is guilty of an offence and is liable upon conviction to a fine or penalty prescribed by the provisions of the Provincial Offences Act.

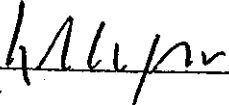
SECTION 16 **REPEAL INCONSISTENT BY-LAWS:**

That By-laws No. 96-36, 97-16, 97-81 are thereby repealed.

PASSED this 13th day of July 1998.



MAYOR



CLERK

DATE: JULY 13, 1998

CITY OF WATERLOO

BY-LAW NO. 98-92

BY-LAW RELATING TO DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS AND TO PROVIDE FOR THE LICENSING, REGULATION AND PROHIBITION OF PIT BULL DOGS IN THE CITY OF WATERLOO.

READ A FIRST AND SECOND TIME

July 13, 1998

READ A FIRST, SECOND, THIRD AND FINAL TIME

July 13, 1998