



CITY OF KINGSTON

Ontario

BY-LAW NO. 2004-144

A BY-LAW TO REGULATE ANIMALS

PASSED: June 22, 2004
UPDATED TO: June 8, 2011

As Amended By By-Law No:

By-law No. 2008-14	December 18, 2007
By-law No. 2009-75	July 15, 2009
By-law No. 2011-65	June 7, 2011

(Office Consolidation)

City of Kingston By-law No. 2004-144
A BY-LAW TO REGULATE ANIMALS

INDEX	Section
Definitions	1.0
Application	2.0
Administration	3.0
• Procedure for Registration of Dogs and Cats	3.3
• Applications for kennel Permits and Breeder Permits	3.7
• Additional Fees	3.17
• Procedures re Impounded Dogs and Cats	3.19
Regulations – Registration and Permits	4.0
• Dog and Cat Registration	4.1
• Kennel Permits and Breeder Permits	4.6
Keeping of Animals	4.12
• Guard Dogs	4.12
• Livestock and Poultry	4.13
• Snakes, Tarantulas, Scorpions and other Spiders	4.15
Being at Large or Trespassing	4.17
• Hen Coops	4.17(a)
• Hens	4.17(h)
• Dogs	4.18
• Cats	4.21
• Behaviour of Dogs	4.23
• Impounding Dogs and Cats	4.29
• Obstruction	4.31
Exemptions	5.1
Schedules	6.1
Offence and Penalty Provisions	7.1
Validity	8.1
Commencement	9.1

CITY OF KINGSTON BY-LAW NO. 2004-144

A BY-LAW TO REGULATE ANIMALS

PASSED: June 22, 2004

WHEREAS the *Municipal Act, 2001* authorizes the councils of municipalities to pass by-laws with respect to animals;

AND WHEREAS City Council considers it advisable to pass such a by-law;

THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1. **DEFINITIONS:**

1.1 In this by-law,

“agricultural property” means a property that is zoned for agricultural use in the zoning by-law that applies to the property;

“animal” means any member of the animal kingdom, other than a human;

“animal control officer” means an authorized employee or agent of the City who is responsible for the enforcement of the provisions of this by-law;

“animal shelter” and *“shelter”* mean the shelter operated by or on behalf of the City of Kingston.

“Appeals Committee” means the committee established by the Council Procedure By-Law (No. 98-1, as amended) and includes any successor committee designated by Council to carry out the Committee’s responsibilities;

“at large” means, in the case of a dog being in a place other than a property owned or occupied by its owner and not under the control of its owner or another person acting on behalf of the owner and, in the case of a hen, means being outside a coop or run.

(By-law No. 2004-144; 2011-65)

“breeder” means a person, other than a person who operates a kennel, who breeds purebred dogs or cats on his or her property as a home occupation;

“Building and Licensing Division” and *“Division”* mean the Building and Licensing Department, Sustainability & Growth or, in the event of organizational changes, another unit designated by Council to carry out the Department’s responsibilities for the administration and enforcement of this by-law, and includes the *Manager*.

(By-law No. 2004-144; 2011-65)

“cat” means a male or female cat, whether neutered or intact;

“City” and *“City of Kingston”* mean The Corporation of the City of Kingston, as incorporated on January 1, 1998;

“coop” means a fully enclosed weatherproof building where hens are kept and which the interior of includes nest boxes for egg laying, perches for the hens to sleep on and food and water containers.

(By-law No. 2004-144; 2011-65)

“Council” and *“City Council”* mean the Council of the City of Kingston;

“dog” means a male or female dog, whether neutered or intact;

“domestic animal” means a dog, cat or other animal that is normally kept as a household pet;

“dwelling” means a self-contained residential unit;

“guard dog” means a dog trained to guard property from any intruder that ventures into the area where the dog is kept;

“hen” means a domesticated female chicken that is at least four months old;

(By-law No. 2004-144; 2011-65)

“hen run” means covered secure enclosure that allows hens’ access to outdoors.

(By-law No. 2004-144; 2011-65)

“highway” includes all land between the lateral boundaries of every provincial and municipal highway within the City;

“home occupation” has the same meaning as in the zoning by-law that applies to the property;

“keep” means to have temporary or permanent custody or control of an animal, and *“keeps”* and *“kept”* have corresponding meanings;

“kennel” means premises other than a pet store, veterinary hospital or clinic, animal shelter or property that is operating a legitimate fostering program for dogs or cats under the authority of the animal shelter, in which the predominant activity consists of the raising, boarding or training of dogs or cats;

“livestock” includes cattle, fur-bearing animals, goats, horses, sheep, pigs, donkeys and other animals, except for poultry, that are kept for agricultural purposes.

(By-law No. 2004-144; 2011-65)

“local board” includes the Kingston Police Services Board;

“Manager of Building and Licensing” means the Manager, Building and Licensing Division and his or her designate or, in the event of organizational changes, another person designated by Council;

“minor” means a person who has not attained the age of eighteen years;

“muzzle” means to place a humane fastening or covering device over the mouth of a dog that is of adequate strength to prevent it from biting, and *“muzzled”* and *“muzzling”* have corresponding meanings;

“neutered” means spayed in the case of female dogs and cats, and castrated in the case of male dogs and cats;

“owner” includes any person who possesses, harbours or keeps an animal or hen and, where an owner is a minor, includes the person who is responsible for the custody of the minor.

(By-law No. 2004-144; 2011-65)

“pet store” means a place of business that sells live animals as household pets;

“poultry” includes game birds and roosters but does not include any bird sold as a household pet or a hen.

(By-law No. 2004-144; 2011-65)

“property” means a parcel of land and any buildings or other structures on the land;

“residential property” means a property that is zoned for residential use in the zoning by-law that applies to the property;

“rural area” means the areas that are designated in Schedule B as being part of the rural area of the City;

“service animal” means a *“service dog”* or *“service cat”* with proper identification that has been trained by a qualified facility, agency or person to provide special services to a person with a disability or to the City or a local board of the City;

“trespass” means, in the case of an dog or cat, to enter or remain on a privately-owned property other than a property owned or occupied by its owner without the express permission of the owner or occupant of that other property, and *“trespassing”* has a corresponding meaning;

“under the control of its owner” means, in the case of an dog, being kept on a leash or lead or being physically restrained by some other effective method by its owner or by another person acting on the owner’s behalf;

“*urban area*” means the areas that are designated in Schedule B as being part of the urban area of the City;

“*veterinarian*” means a person licensed under the *Veterinarians Act*;

“*veterinary hospital or clinic*” means premises operated under the supervision of a veterinarian for the medical treatment of animals; and

“*zoning by-law*” means a by-law passed under Section 34 of the *Planning Act* that restricts the use of land.

2. **APPLICATION:**

- 2.1 Except as otherwise provided, the regulations established by this by-law apply to all animals within the boundaries of the City and to the owners of such animals.

3. **ADMINISTRATION:**

- 3.1 The Building and Licensing Division is responsible for the administration and enforcement of this by-law.
- 3.2 In accordance with subsection 105(3) of the *Municipal Act, 2001*, the authority of Council to hear appeals from the owners of dogs that are required to be muzzled under section 4.27 is delegated to the Manager of Building and Licensing.

Procedure for Registration of Dogs and Cats

- 3.3 If a dog or cat is required to be registered, its owner or another person acting on the owner’s behalf shall register the dog or cat in the City’s animal identification system by providing the information required by the Building and Licensing Division and by paying the applicable annual registration fee, as set out in by-law 2005-10, as amended.

(By-law No. 2004-144; 2008-14)

- 3.4 A person may register or renew the registration of a dog or cat at the places designated by the Division for this purpose.
- 3.5 A person who is registering a neutered dog or cat for the first time shall provide evidence that the animal has been neutered in order to be eligible for the reduced registration fee.
- 3.6 A person who is registering or renewing the registration of a dog or cat may be required to provide evidence that the animal has a current certificate of immunization against rabies.

Applications for Kennel Permits and Breeder Permits

- 3.7 Every application for a kennel permit, breeder permit or a hen coop permit or for the renewal of such a permit shall be submitted to the Building and Licensing Department in the form provided by the Department, together with the annual permit fee, as set out in By-law 2005-10, and shall indicate the purpose for which the permit is being obtained.
(By-law No. 2004-144; 2008-14; 2011-65)
- 3.8 Every application for a permit will be reviewed by the Division to determine whether it meets the requirements of this by-law and, as part of this review, will be circulated to the Building Section, Kingston Fire and Rescue, KF&LA Health Unit, Kingston Humane Society, and an animal control officer for comments.
- 3.9 These agencies and individuals, as part of their review, may require an inspection of the property, other than a room or place used as a dwelling.
- 3.10 If it is determined that an application meets the requirements of this by-law, the Division will issue the permit if the permit fee has been paid.
- 3.11 If it is determined that an application does not meet the requirements of this by-law, the Division will refuse to issue the permit and will refund the permit fee.
- 3.12 If, at any time, the Manager determines, as a result of evidence that is provided, that the operation of a kennel, hen coop or the activities of a breeder do not conform with the requirements of this by-law, it may suspend or revoke the permit.
(By-law No. 2004-144; 2011-65)
- 3.13 A person whose application for a kennel permit, hen coop permit or a breeder permit or a renewal of such a permit has been refused or whose permit has been suspended or revoked may, within fifteen days of being notified of the Manager's decision, submit an application to the Appeals Committee for a review of the matter, together with the required administrative fee, as set out in By-law 2005-10.
(By-law No. 2004-144; 2008-14; 2011-65)
- 3.14 A person who has applied for a review of the Division's decision will be given an opportunity to make written representations or to appear before the Appeals Committee when it reviews the matter.
- 3.15 The Appeals Committee will review the matter at its next meeting and may affirm the decision of the Division or direct it to issue, renew or reinstate the permit.
- 3.16 Decisions of the Appeals Committee are final.

Additional Fees

- 3.17 Every owner of a dog or cat, every breeder, every person operating a kennel and every person who owns a hen coop who does not pay the applicable annual fee for the renewal of the registration or permit by January 31st of each year shall be required to pay a penalty for late payment, as set out in By-Law 2005-10, in addition to the registration or permit fee..

(By-law No. 2004-144; 2008-14; 2011-65)

- 3.18 Every owner of a dog, cat or hen coop, every breeder and every person operating a kennel who has been convicted of an offence under this by-law or under the Dog Owners' Liability Act shall be required to pay an additional amount in each year, as set out in By-Law 2005-10, in addition to the regular annual registration or permit fee.

(By-law No. 2004-144; 2008-14; 2011-65)

Procedures re Impounded Dogs and Cats

- 3.19 The animal shelter will keep a record of every dog and cat that has been impounded, including its date of impoundment, description, registered number or other means of identification, if any, date of disposition, and method of disposition.

- 3.20 The owner of an impounded dog or cat or a person acting on the owner's behalf may, within five business days, recover the dog or cat during the hours when the shelter is open to the public and, in order to do so, shall be required to pay the full amount of the administrative fee, as set out in by-law 2005-10, as amended, the fee established by the shelter for the period that the animal has been in the shelter, and the full amount of any emergency veterinary medical care that was required by the dog or cat.

(By-law No. 2004-144; 2008-14)

- 3.21 If a dog that has been impounded is not registered in the City's animal identification system, the owner or person acting on the owner's behalf shall be required to pay the applicable annual registration fee, as set out in by-law 2005-10, as amended, in order to recover the dog from the shelter.

(By-law No. 2004-144; 2008-14)

- 3.22 If a cat in the urban area that has been impounded is not registered in the City's animal identification system, the owner or person acting on the owner's behalf shall be required to pay the applicable annual registration fee, as set out in by-law 2005-10, as amended, in order to recover the cat from the shelter.

(By-law No. 2004-144; 2008-14)

4. REGULATIONS:

Registration and Permits

Dog and Cat Registration

4.1 Every dog and cat that has reached the age of twenty weeks shall be registered in the City's animal identification system in accordance with Part 3.

4.2 The regulation set out in section 4.1 does not apply to a cat in the rural area.

4.3 Upon payment of the applicable annual registration fee, as set out in By-Law 2005-10 the dog or cat will be included in the animal identification system by means of issuing a tag with the registered number of the dog or cat or by another means of identification that is adopted by the City and in the case of a hen coop will be registered in an identification system that is adopted by the City.

(By-law No. 2004-144; 2008-14; 2011-65)

4.4 If a tag is issued, it shall be kept securely fixed on the dog or cat at all times.

4.5 A dog, cat and hen coop registration is valid for one calendar year only, and shall be renewed by December 31st of each year by paying the applicable annual registration fee.

(By-law No. 2004-144; 2011-65)

Kennel Permits and Breeder Permits

4.6 No person shall operate a kennel or operate as a breeder anywhere within the City unless he or she has first obtained a kennel permit or a breeder permit in accordance with Part 3.

4.7 A person is not eligible for a kennel permit or a breeder permit or for the renewal of such a permit unless his or her application is accompanied by the annual permit fee, as set out in by-law 2005-10, as amended.

(By-law No. 2004-144; 2008-14)

4.8 A person is not eligible for a kennel permit or the renewal of a kennel permit unless:

(1) the use or proposed use conforms with the zoning by-law that applies to the property;

(2) the property complies with the property standards by-law and any other applicable by-laws;

- (3) the property conforms with all applicable law, including the *Health Protection and Promotion Act*, the *Ontario Society for the Prevention of Cruelty to Animals Act*, and the *Fire Protection and Prevention Act*;
 - (4) the property is kept in a clean and sanitary condition at all times;
 - (5) every dog that has reached the age of twenty weeks and that resides on the property permanently has been registered in the City's animal identification system; and
 - (6) if the property is in the urban area, every cat that has reached the age of twenty weeks and that resides on the property permanently has been registered in the City's animal identification system.
- 4.9 A person is not eligible for a breeder permit or the renewal of a breeder permit unless:
- (1) the dogs or cats to be bred are registered or are eligible to be registered by a nationally or internationally recognized club or association;
 - (2) the activity or proposed activity qualifies as a home occupation under the zoning by-law that applies to the property, and the property complies with the property standards by-law and any other applicable by-laws;
 - (3) the property conforms with all applicable law, including the *Health Protection and Promotion Act*, the *Ontario Society for the Prevention of Cruelty to Animals Act*, and the *Fire Protection and Prevention Act*;
 - (4) the property is kept in a clean and sanitary condition at all times;
 - (5) every dog that has reached the age of twenty weeks and that resides on the property permanently has been registered in the City's animal identification system; and
 - (6) if the property is in the urban area, every cat that has reached the age of twenty weeks and that resides on the property permanently has been registered in the City's animal identification system.
- 4.10 Every person who holds a kennel permit or breeder permit shall allow, at any reasonable time, an animal control officer or other authorized employee or agent of the City to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this by-law are being complied with.
- 4.11 A permit is valid for one calendar year only, and shall be renewed by December 31st of each year by paying the annual permit fee.

Keeping of Animals

Guard Dogs

- 4.12 No person shall keep a guard dog on any property unless the owner of the guard dog or the owner or occupant of the property places and maintains a sign in a prominent place on the property that reads: “*Beware Guard Dog*”.

Livestock and Poultry

- 4.13 No person shall keep livestock or poultry on any property except in a veterinary hospital or clinic or as part of a cultural, recreational or educational event, including a public or agricultural fair.
- 4.14 The regulation set out in section 4.13 does not apply to an agricultural property, to a property of five or more acres, or to a property that houses horses that are in the service of the City or a local board of the City.

Snakes, Tarantulas, Scorpions and other Spiders

- 4.15 No person shall carry or display a snake, scorpion, tarantula, or other spider on any highway or in any public place or other place to which the public is customarily admitted except in accordance with sections 4.16 and 4.17.
- 4.16 A snake, scorpion, tarantula, or other spider may be carried or displayed in:
- (1) an educational institution or research facility where such animals are housed or studied;
 - (2) an educational or entertainment display, including a circus or zoo, that is supervised at all times by a qualified handler;
 - (3) a veterinary hospital or clinic, and
 - (4) the premises of a pet store which holds a business licence with the City.
- 4.17 Every person who needs to transport or carry a snake, scorpion, tarantula, or other spider on any highway or in any public place or other place to which the public is customarily admitted shall, while it is being carried or transported, confine the snake, scorpion, tarantula, or other spider in a cloth bag which has been placed inside a box made of durable material with a lid that has been fastened securely, provided that the animal has sufficient air to breathe.

Being at Large or Trespassing

Hen Coops

- 4.17 (a) No person shall keep hens anywhere within the City unless he or she has first obtained a hen coop permit;

(By-law No. 2004-144; 2011-65)

City of Kingston By-law No. 2004-144 “Animals”

- 4.17 (b) Every person who holds a hen coop permit shall allow, at any reasonable time, an animal control officer or other authorized employee or agent of the City to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this by-law are being complied with.
(By-law No. 2004-144; 2011-65)
- (c) Hen coops and hen runs shall be a distance of at least 1.2 m from the rear lot line and at least 1.2 m from any side lot line of the dwelling lot on which the hen coop is located.
(By-law No. 2004-144; 2011-65)
- (d) Hen coops and hen runs shall be located at least 15 m from any school.
(By-law No. 2004-144; 2011-65)
- (e) Hen coops and hen runs shall be located at least 7.5 meters from any church or business.
(By-law No. 2004-144; 2011-65)
- (f) Hen coops and hen runs shall be a minimum distance of 3 m from all windows and doors of dwellings that are located on an abutting property.
(By-law No. 2004-144; 2011-65)
- (g) Hen coops and runs are not permitted in any front or side yard.
(By-law No. 2004-144; 2011-65)
- (h) A maximum of 6 hens will be permitted on any residential property.
(By-law No. 2004-144; 2011-65)
- (i) The keeping of hens shall only be permitted in residential zones. Tenants must obtain permission from the property owner to keep hens on the owner's property.
(By-law No. 2004-144; 2011-65)
- (j) The owner of the hens must reside on the property where the hens are kept.
(By-law No. 2004-144; 2011-65)
- (k) Home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
(By-law No. 2004-144; 2011-65)
- (l) Sales of eggs, manure and other products associated with the keeping of hens are prohibited.
(By-law No. 2004-144; 2011-65)

- 4.17 m) Hens shall be kept in their coops between 9:00 p.m. and 6:00 a.m.
(By-law No. 2004-144; 2011-65)
- (n) Hen coops and hen runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin.
(By-law No. 2004-144; 2011-65)
- (o) Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with compost regulations, and no more than three cubic feet shall be stored at any one time.
(By-law No. 2004-144; 2011-65)
- (p) Manure shall be disposed of in accordance with Municipal by-laws.
(By-law No. 2004-144; 2011-65)
- (q) The regulations set out in sections 4.17 (a) to 4.17 (q) do not apply to any agricultural property.
(By-law No. 2004-144; 2011-65)
- (r) No owner shall cause or permit his or her hen to become a public nuisance by persistently clucking.
(By-law No. 2004-144; 2011-65)

Dogs

- 4.18 No owner shall cause or permit his or her dog to be at large or to trespass.
- 4.19 Every dog shall be under the control of its owner at all times when on any property that is not owned or occupied by its owner.
- 4.20 The regulation set out in section 4.18 does not apply to a dog that is at large on a property with the express permission of the owner or occupant of that property.
- 4.20.1 Notwithstanding the provisions contained herein, the following areas shall be designated as off-leash dog areas:
- i) MacLean Trail Park
 - ii) Memorial Centre
 - iii) Meadowbrook Park
 - iv) Rotary Park
- (By-law No. 2004-144; 2009-75)

Cats

- 4.21 No owner shall cause or permit his or her cat to trespass.
- 4.22 The regulation set out in section 4.21 does not apply to the rural area.

Hens

- 4.22 (a) No owner shall cause or permit his or her hen to be at large.

(By-law No. 2004-144; 2011-65)

Behaviour of Dogs

- 4.23 Every owner and other person who is in charge of a dog shall immediately remove any faeces left by his or her dog.
- 4.24 No owner shall cause or permit his or her dog to become a public nuisance by:
- (1) persistently barking or howling;
 - (2) damaging public or private property;
 - (3) scattering garbage or interfering with waste management activities;
 - (4) persistently barking at or chasing persons, vehicles, domestic animals, livestock, poultry, or other animals kept on an agricultural property;
 - (5) swimming at a public beach, swimming or wading pool; or
 - (6) being in a public park or recreational area and not under the control of its owner.
- 4.25 No owner of a dog shall engage in activity or conduct which is intended or is likely to cause the dog to bite or attack a person, domestic animal, livestock, poultry, or other animal kept on an agricultural property.
- 4.26 An animal control officer may issue an order to an owner whose dog is alleged to have bitten or attacked a person or animal, requiring the owner to muzzle the dog.
- 4.27 An owner may appeal an order to muzzle his or her dog to the Manager of Building and Licensing, but an appeal shall not act as a stay of the muzzling order.
- 4.28 Where a proceeding has been commenced by the City under the *Dog Owner's Liability Act* against an owner whose dog is alleged to have bitten or attacked a person or domestic animal, the owner shall be required to muzzle the dog until a determination of the matter has been made by the court.

Impounding Dogs and Cats

- 4.29 Any dog that is at large or trespassing and any cat that is trespassing in contravention of this by-law may be impounded by an animal control officer and taken to the shelter.
- 4.30 An animal control officer may use any reasonable means to impound a dog that is at large or trespassing or a cat that is trespassing in contravention of this by-law.

Obstruction

- 4.31 No person shall obstruct or hinder or attempt to obstruct or hinder an animal control officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.

5. **EXEMPTIONS:**

- 5.1 There are no exemptions to the regulations established by this by-law except for the exemptions set out in Part 4.

6. **SCHEDULES:**

- 6.1 The following Schedule is attached to and forms part of this by-law:

Schedule A Fees (repealed, by-law 2005-10, as amended)

Schedule B Map of Designated Urban Area and Rural Area

(By-law No. 2004-144; 2008-14)

7. **OFFENCE AND PENALTY PROVISIONS:**

- 7.1 Every person who contravenes any provision of this by-law and any person who fails to comply with an order issued under this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.

(By-law No. 2004-144; 2011-65)

- 7.2 Every owner of a dog, cat or other animal who contravenes any provision of this by-law or whose dog, cat or other animal contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the *Provincial Offences Act* and to any other applicable penalties.

- 7.3 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

8. **VALIDITY:**

8.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

9. **COMMENCEMENT:**

9.1 This by-law comes into force on the day on which it receives third reading and is passed.

SCHEDULE A:

FEES

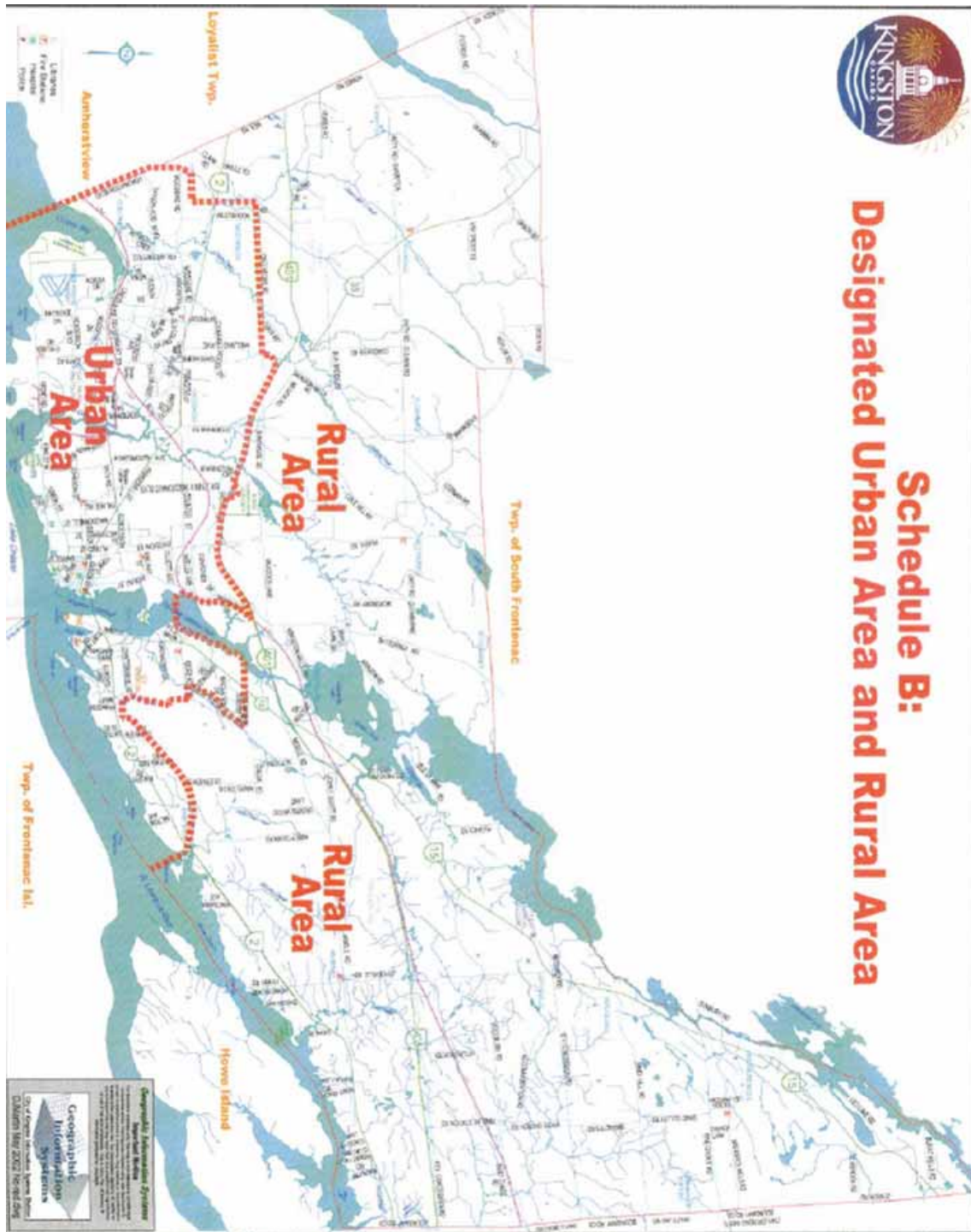
Schedule A is hereby repealed and replaced by the provisions of Schedule A of by-law 2005-10, as amended, being “A By-Law to Establish Fees and Charges to be Collected by The Corporation Of The City Of Kingston”.

(By-law No. 2004-144; 2008-14)

SCHEDULE B:

Map of Designated Urban Area and Rural Area (below)

SCHEDULE B:



(By-law No. 2004-144)