CITY OF KINGSTON
REPORT TO COUNCIL

TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning and Development Services
       Denis Leger, Commissioner, Corporate Services
PREPARED BY: Kim Brown, Project Engineer, Infrastructure, Engineering
            Brian Donaldson, By-Law Harmonization Officer, Council Support
DATE OF MEETING: May 11, 2004
SUBJECT: Harmonized Encroachment By-Law

RECOMMENDATION TO COMMITTEE OF THE WHOLE:

That a By-Law entitled “A By-Law to Protect the City’s Highways from Unauthorized Encroachments”, which is a by-law to harmonize the City’s policy on prohibiting and regulating encroachments on its highways, be presented on the understanding that this new harmonized Encroachment By-Law will take effect on the day that it receives third reading and is passed;

-and further-

That a By-Law to amend By-Law No. 10 (former City of Kingston), “A By-Law Respecting Streets”, by deleting the provisions that deal with encroachments on the City’s highways, be presented on the understanding that this amending by-law will come into effect on the same day that the new harmonized Encroachment By-Law receives third reading and is passed;

-and further-

That a By-Law to amend By-Law No. 2-1994 (County of Frontenac), “A By-Law to Regulate the Use of and Traffic, Parking and Stopping on Highways and Bridges under the Jurisdiction of the Council of the Corporation of the County of Frontenac”, by deleting the provisions that deal with encroachments on former County highways, be presented on the understanding that this amending by-law will come into effect on the same day that the new harmonized Encroachment By-Law receives third reading and is passed;

-and further-
That the following two (2) By-Laws that deal with encroachments on the City’s highways be repealed, on the understanding that the repealing by-laws will come into effect on the same day that the new harmonized Encroachment By-Law receives Third Reading and is passed.

1. By-Law No. 4624, “A By-Law to Authorize and Regulate Encroachments on Streets” (former City of Kingston), which deals with certain types of encroachments on highways in the former City.

2. By-Law No. 85-33, “Being a By-Law to Authorize a Certain Encroachment of a Parking Lot on Bayridge Drive on an Untravelled Part of the Road Allowance in the Township of Kingston and to Grant a Licence of Occupation therefore to Dr. R. Gresik pursuant to Section 310, paragraph 1 of the Municipal Act, R.S.O. 1980” (former Township of Kingston), which authorizes an encroachment agreement that expired on April 10, 1990 and is no longer needed.

ORIGIN/PURPOSE:

The proposed new Encroachment By-Law is part of the ongoing project of “harmonizing” the by-laws of the former municipalities that now form the City of Kingston and, in dealing with highway issues, the by-laws of the County of Frontenac as well. The purpose of the proposed new Encroachment By-Law is to:

(1) consolidate the regulations that deal with encroachments on highways in a single harmonized by-law;

(2) establish a City-wide procedure under which individuals will be able to apply to the City for permits authorizing certain types of encroachments on a highway; and

(3) protect existing encroachments that were authorized previously.

The proposed by-law only addresses encroachments on City owned road allowances. This by-law does not address encroachments on other City lands, provincial highways or private roads.

The proposed by-law does not apply to the normal use of the City’s highways by vehicles for travel or parking, or to activities on highways that are of a transitory nature. It deals instead with the construction or placement of objects and materials, such as buildings, signs, equipment and fences, anywhere within the lateral boundaries of a highway, including the air space above and the ground below a highway.

OPTIONS/DISCUSSION:

One option would be to deal with all highway-related issues in a single harmonized by-law. For practical reasons, however, these issues are being dealt with in a number of separate by-laws. A new Traffic By-Law, which consolidated all existing traffic regulations, was enacted by the previous Council in July 2003. The proposed new Encroachment By-Law represents the second step of this process. Subsequent steps will need to include the development of harmonized by-laws dealing with parking, private entrances and, finally, the use of City streets (for example, the riding of bicycles on sidewalks).
EXISTING POLICY/BY-LAW:

Encroachments on highways are regulated in the former City under two separate by-laws. Under the Encroachment By-Law (No. 4624), which was originally enacted in 1964, permits are required for certain types of encroachments, such as buildings that have been inadvertently constructed on part of a highway, and dumpsters that are to be placed on a highway for construction projects. Under the Streets By-Law (No. 10), which was originally enacted in 1938, permits are required for certain other types of encroachments, such as awnings, canopies and newspaper boxes. In addition, By-Law No. 10 contains a large number of provisions that have been added over the years to authorize specific encroachments, such as directional signs. It is being proposed that all of these provisions be repealed, and that the authorization for these encroachments be continued in Schedule C of the proposed new by-law.

There is no general encroachment by-law in either the former Township of Kingston or the former Township of Pittsburgh. Instead, encroachments in both former municipalities were dealt with, when necessary, by means of separate agreements with the relevant individuals that were authorized by stand-alone by-laws. All but one of these by-laws will need to remain in force so that the encroachments they deal with will continue to be authorized. The only by-law of this type that can be repealed is one that authorizes an expired agreement in the former Township of Kingston that is no longer needed.

The proposed new Encroachment By-Law continues the basic policy of the three former municipalities and of the County of Frontenac with respect to highways that were formerly under their jurisdiction. That policy, whose main objective is to protect the integrity of the City’s highways and the safety of the people who use them, is that no one should be entitled to place or construct anything that encroaches on a municipal highway without first having been authorized to do so by the municipality, either by means of a by-law or a permit. Another objective of the policy is to protect the equipment and facilities of the City and the firms that use the City’s highways to provide public utilities, electricity and telecommunication services from interference or damage caused by unauthorized encroachments. City staff have therefore consulted extensively with staff members of Utilities Kingston in developing the proposed new by-law.

The proposed new by-law also proposes to clarify what encroachments will be permitted on the City’s highways and the requirements that must be met before a permit will be issued. The types of encroachment that will be eligible for permits under the proposed new by-law include: (1) fences and hedges at intersections; (2) buildings that encroach as a result of inadvertence; (3) projections from buildings, such as awnings or fire escapes; (4) canopies; (5) directional signs; (6) historical markers; (7) banners, pennants and flower baskets (in limited circumstances); (8) sidewalk sales in the Downtown Business Improvement Area; (9) publication boxes; and (10) temporary hoarding, covered ways, scaffolding, dumpsters and other equipment used for construction and maintenance projects.

A number of encroachments will not be subject to the provisions of the proposed new by-law. This includes such items as sidewalk patios that are authorized by licence agreements under By-Law No. 87-136, mail devices placed by Canada Post, rural mail boxes, sandwich board signs on sidewalks, election signs and real estate signs. The equipment and activities of firms that provide public utilities, electricity and telecommunication services that obtain appropriate agreements and/or permits and cut permits are also outside the limits of this by-law. The proposed by-law also deems the existing area openings and cellar windows in the downtown area designated in Schedule B to be authorized encroachments, if they are maintained in a good state of repair.
LINK TO STRATEGIC PLAN:

“Getting Our House in Order” is one of the seven priority areas identified in the Community Strategic Plan that have been approved by Council for immediate action. The development of harmonized by-laws is an important element in establishing an effective and integrated municipal corporation, and in working with residents to build a sense of belonging to the new City.

FINANCIAL CONSIDERATIONS:

The primary financial implication is that the proposed fees will be increased. The current application fee for some of the encroachment applications is $25.00. Review of our internal process suggests that the time to address a single application is in the area of 1.5 hours. The cost associated with a staff member reviewing the application, including conducting site visits and discussing the conditions with the applicant as well as any overhead, suggests that the fee should be raised to $84.00 to recoup the cost. In addition, section 3.6 of the proposed by-law will permit the City, after giving advance written notice to an applicant, to charge additional hourly fees if the particular circumstances make it necessary to spend additional time on an application.

The most significant change relates to the fee charged by Utilities Kingston for the installation and removal of street banners [sections 4.45 to 4.53]. Utilities Kingston is proposing that the current method of allocating cost to this service be revised, from the existing charge of $150.81 per week, to an installation and removal cost of $400.00, which better reflects the service provided and the actual costs in doing this work.

The new fees will to be increased each year by the rate of inflation. A comparison of the proposed new fees and the current fees is provided in Appendix “D” to this report. It should also be noted that the Manager of Taxation and Revenue in the Finance Division has been consulted with respect to the proposal in section 3.17 to have annual fees added to the tax roll for the relevant properties.

CONTACTS:

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Teresa Fraser, By-Law Harmonization Clerk, Engineering, 384-1770, ext. 3162
Brian Donaldson, By-Law Harmonization Officer, Council Support, 546-4291, ext. 1268.

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Downtown Kingston Business Improvement Area (Doug Ritchie)
Utilities Kingston (Mark Campbell)
Building and Licensing Division (Kim Leonard)
Finance Division (Taxation and Revenue) (Pat Carrol)
Legal Services Division (Hal Linscott)
Parking Division (Paula Nichols)
Planning Division (Bianca Bielski)
Streets and Sidewalks Division (Damon Wells)
Transit Division (Malcolm Morris)

NOTICE PROVISIONS:

There are no requirements for public notice.

APPENDICES:

Appendix “A” – Draft By-Law: “A By-Law to Protect the City’s Highways from Unauthorized Encroachments”
Appendix “B” – Draft By-Law: “A By-Law to Amend By-Law No. 10” (former City of Kingston)
Appendix “C” – Draft By-Law: “A By-Law to Amend By-Law No. 2-1994” (County of Frontenac)
Appendix “D” – Comparison of the Proposed Fees with Existing Fees

Terry Willing, Acting Commissioner
Planning and Development Services

Denis Leger, Commissioner
Corporate Services

Bert Meunier
Chief Administrative Officer
COUNCIL MEETING: 15 MAY 11 '04

CITY OF KINGSTON
REPORT TO COUNCIL

TO: Bert Meunier, Chief Administrative Officer
FROM: Denis Leger, Commissioner of Corporate Services
PREPARED BY: Gerard Hunt, Manager of Finance
Patricia Carrol, Manager of Taxation and Revenue
DATE OF MEETING: 2004-05-11
SUBJECT: Tax Policy – 2004

RECOMMENDATION TO COMMITTEE OF THE WHOLE:
1. That a by-law be presented and given first and second readings to approve the 2004 Tax Ratios as follows:

<table>
<thead>
<tr>
<th>PROPERTY CLASS</th>
<th>TAX RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>1.000000</td>
</tr>
<tr>
<td>Farm</td>
<td>0.250000</td>
</tr>
<tr>
<td>Managed Forest</td>
<td>0.250000</td>
</tr>
<tr>
<td>Farmland Awaiting Development</td>
<td>0.250000</td>
</tr>
<tr>
<td>Multi-residential</td>
<td>2.662704</td>
</tr>
<tr>
<td>Commercial</td>
<td>1.866847</td>
</tr>
<tr>
<td>Industrial</td>
<td>3.204133</td>
</tr>
<tr>
<td>Pipeline</td>
<td>1.017222</td>
</tr>
</tbody>
</table>

2. That the City continue with the policy to fund the mandatory tax capping scheme, provided for commercial, industrial and multi-residential properties, from within each respective property class.

ORIGIN/PURPOSE:
Tax policy decisions are reviewed annually. Legislative changes and options need to be reviewed and/or presented to ensure policies and practices are consistent with legislation. In some years, this review needs to be completed prior to passing the current year’s operating budget as some of the tax policy decisions will either directly impact the budget or will affect tax rates.
ORIGIN/PURPOSE:
Tax policy decisions need to be reviewed each year. Legislative changes and options need to be reviewed and/or presented to ensure policies and practices are consistent with legislation. In some years, this review needs to be completed prior to passing the current year’s operating budget as some of the tax policy decisions will either directly impact the budget or will affect tax rates.

OPTIONS/DISCUSSION:
Following is a summary of tax policy matters. Recommendations have been made for each policy.

1. TAX RATIOS
Council must establish tax ratios, by by-law, on or before April 30 each year, except when Regulations signed by the Minister of Finance extend the date. Regulation 67/04 extends the date, for 2004 only, to May 31, 2004. The Municipal Act, 2001 sets the ratios for residential/farm class at 1.000 and the maximum for the farmland and managed forests property classes at 0.2500. To ensure that tax shifts did not occur during the 1998 assessment and taxation reforms, the Minister of Finance established transition tax ratios for each municipality.

The range of fairness as established in the Municipal Act is 0.6 to 1.1. Until this year, transition ratios that were greater than the range of fairness could only be moved towards the range of fairness. The Minister of Finance announced on March 15, 2004 that new initiatives would allow transition tax ratios to be increased in order to allow municipalities more flexibility to respond to reassessment related tax shifts. The essence of this legislation provided municipalities the ability to maintain relative shares of the overall tax burden by property class. Council considered this information at the April 13, 2004 meeting (report no. 04-120) and approved a recommendation for the Treasurer to request the Minister to file a regulation to change Kingston’s transition ratios. Calculation of the transition ratios were prescribed in regulation and are set at the maximum permitted.

The regulation also addresses the provincial thresholds for tax ratios. When a transition ratio exceeds the provincial threshold, budgetary tax increases are limited with only 50% of the tax increase for the class allowed to be added to the tax rate. The balance of the tax increase must be paid/shared by all other property classes.

1) Mandatory tax ratios (residential, farm, managed forest, new multi-residential)

The Municipal Act, 2001 establishes the tax ratios for the following property classes:

<table>
<thead>
<tr>
<th>PROPERTY CLASS</th>
<th>RATIO</th>
<th>OPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>1.0000</td>
<td>There is no authority to change this ratio.</td>
</tr>
<tr>
<td>Farm</td>
<td>0.2500</td>
<td>This ratio may be lowered.</td>
</tr>
<tr>
<td>Managed Forest</td>
<td>0.2500</td>
<td>This ratio may be lowered.</td>
</tr>
<tr>
<td>Farmland Awaiting Development</td>
<td>0.2500</td>
<td>This ratio may be increased, in certain instances.</td>
</tr>
<tr>
<td>New Multi-residential</td>
<td>1.0000</td>
<td>When this optional property class is adopted; there is no authority to change the ratio until the end of the by-law establishing the class, which is 35 years.</td>
</tr>
</tbody>
</table>
2) Regulated Transition Tax Ratios (multi-residential, commercial, industrial, pipeline)

At its April 13, 2004 meeting, Council gave direction to request the Minister of Finance to approve increased transition ratios, which would minimize shifts in tax burden between property classes. The shifts in tax burden resulted from the reassessment wherein the residential property class experienced an average 14.7% increase in value, while the overall assessment base change was 9.8%. If no change was made to transition ratios, residential properties could experience assessment-related tax increases of approximately 5%, which would result in overall tax increases of approximately 10% once the 2004 budget was established.

The maximum transition ratios are being recommended pursuant to Council’s direction to re-establish the tax burdens paid by each property class in 2003. Establishing new transition ratios does not create new revenue for the City, nor does it increase the tax burden on individual properties that are at or below the average assessment change for the class. It is important to keep in mind that the transition ratios are calculated on the whole of the assessment base and actual tax increases resulting from budget decisions may vary from area to area and from property to property depending on the magnitude of the assessment changes for each area.

Council has the ability to set lower tax ratios. The following table reflects the impact to the average residential tax bill based on the three tax ratio options that were outlined in the April 13 report. Options A, B, C and D, were provided to Council. Option B was recommended by Council and is the basis of this report. It should be noted that one additional “New” option is included, which reflects the impact on the residential tax bill if the multi-residential ratio was unchanged from that of 2003 being 2.4165. We have completed detailed tax modeling for Option B, except for the final impact of the restricted levy calculation for the industrial class. This considers the final operating budget, the market value assessment analysis is complete, the impact of restricted levies has been estimated, the education rates have been established and the Minister has regulated the transition ratios. All other options have been modeled at a macro level, and should Council decide on one of the other options, detail modeling will be completed for the tax rate report.

<table>
<thead>
<tr>
<th>OPTION</th>
<th>CENTRAL</th>
<th>WEST</th>
<th>EAST</th>
</tr>
</thead>
<tbody>
<tr>
<td>A - 2004 ratios unchanged from 2003*</td>
<td>9.1%</td>
<td>9.1%</td>
<td>7.8%</td>
</tr>
<tr>
<td>B - full mitigation of assessment/tax burden shift</td>
<td>4.8%</td>
<td>5.3%</td>
<td>4.1%</td>
</tr>
<tr>
<td>C - <strong>“</strong> (save and except Industrial)*</td>
<td>5.5%</td>
<td>5.9%</td>
<td>4.7%</td>
</tr>
<tr>
<td>D - <strong>“</strong> (save and except Multi-Res &amp; Industrial)*</td>
<td>6.9%</td>
<td>7.0%</td>
<td>5.8%</td>
</tr>
<tr>
<td>New - full mitigation save and except Multi-Residential*</td>
<td>6.5%</td>
<td>6.6%</td>
<td>5.4%</td>
</tr>
</tbody>
</table>

* if chosen the results require remodeling to determine final impacts

The mandatory tax capping scheme, which is discussed later in this report, protects the multi-residential, commercial and industrial property classes from assessment related tax increases. There is no mandatory protection for residential, farm and managed forest properties. In the event that Council determined to lower certain transition ratios from the maximum allowed, the result would increase taxes for residential and all other classes.
a) Multi-residential:
At its October 8, 2002 meeting, (Report No. CW023) Council approved a reduction in the multi-residential ratio, from 2.6526 to 2.4165. Council also approved a recommendation that “unless changed by a future Council, the multi-residential tax ratio shall be the lesser of 2.4165 or the provincial average multi-residential tax ratio”. For Council’s information the 2003 Provincial Threshold for the multi-residential class was 2.74.

Council gave direction to the Treasurer, at its April 13, 2004 meeting, to apply to the Minister to re-establish the tax burden paid, as noted earlier in this report. The Minister of Finance has set this transition ratio in regulation and it has been used to model the average tax bill increases. If Council wishes to lower the transition ratio then the average residential tax bill will increase as noted above.

Recommendation:
That the ratio be set at 2.662704 for 2004 and be reviewed for the impacts of tax capping of the class and the effects of the appeals when determined. This review be completed and considered in establishing the transition ratios for the 2005 taxation year.

b) Commercial:
The maximum transition ratio set in regulation for the commercial property class is 1.866847, as compared to 1.6616 for 2003.

Recommendation:
That the ratio be set at 1.866847 for 2004

c) Industrial:
The maximum transition ratio set in regulation for the industrial property class is 3.204133, as compared to 2.6299 for 2003. The new transition ratio is above the provincial threshold of 2.63. When a transition ratio is greater than the provincial threshold, the property class is restricted from tax rate increases over 50% of the residential property class. The increases that are not paid by the class are then redistributed over all other non-restricted property classes. Staff is attending a workshop on May 7, 2004 to learn the mechanics of implementing this restriction. At the time of preparation of this report we estimated the restricted amount to be approximately $100,000; an amount that has been reflected in the tax rate impacts shown in this report.

Recommendation:
That this ratio be set at 3.204133 for 2004

d) Pipeline:
The maximum transition ratio set in regulation for the commercial property class is 1.017222, as compared to 0.8940 for 2003.

Recommendation:
That this ratio be set at 1.017222 for 2004
A summary of the transition ratios for the regulated property classes described above for the year 2004 with comparison data for 2003 follows:

<table>
<thead>
<tr>
<th>Property Class</th>
<th>Transition Ratio (O.Reg. 118/04)</th>
<th>Transition Ratio (2002)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-residential</td>
<td>2.662704</td>
<td>2.41650</td>
</tr>
<tr>
<td>Commercial</td>
<td>1.866847</td>
<td>1.66160</td>
</tr>
<tr>
<td>Industrial</td>
<td>3.204133</td>
<td>2.62990</td>
</tr>
<tr>
<td>Pipeline</td>
<td>1.017222</td>
<td>0.89400</td>
</tr>
</tbody>
</table>

2. CAPPING PROGRAM

In 1998, the province introduced the Current Value Assessment (CVA) system in an effort to realign municipal property taxes more closely to market value assessment. In December 1998 the province imposed the mandatory 10-5-5 capping program for tax years 1998-2000. The capping program limited assessment-related tax increases on commercial, industrial and multi-residential properties to no more than 10% of 1997 taxes for 1998, 15% for 1999 and 20% for 2000.

In 2001, the province passed a new mandatory capping program that will continue until all properties reach their full CVA tax (current value assessment x tax rate). This program limits assessment-related tax increases to 5% plus municipal levy increases. Properties having tax decreases because of reassessment will forgo some of their decreases, which will be used to fund the capping program.

In 2002, Council passed a resolution requesting the provincial government to cancel the capping program, fund the capping program or, at the very least, pay the education portion in proportion of any shortfall. This resolution was forwarded to other Ontario municipalities, a number of which endorsed the resolution. As of this date, no further changes have been made to the capping program by the province.

Funding of the capping program is a municipal choice, which includes funding from within the class or from other municipal revenue that would be paid by all property classes, or a mixture of these two methods. Since capping began in 1998, the City of Kingston’s policy has been to fund the program from within the property class by clawing-back decreases from properties whose assessments have decreased. This funding method is being recommended for the 2004 capping program. It is too early to determine if any shortfall will result for 2004. Council is aware that a shortfall of approximately $406,000 occurred in the multi-residential class in 2003 and that amount was funded by all property classes as part of the 2004 budget.

Contributing to any potential shortfall is the dwindling amount of claw-back dollars available due to the capped tax calculation and the annual reassessment. The annual reassessment resulted in many properties having increased CVAs. Many of these properties were already receiving caps and now require further protection and a number of properties, which were decreasing and helping to fund the cap, are now increasing. Another contributing factor is the method of determining capped taxes, which begins with the previous year’s capped taxes. This means that any tax decrease retained in one year is not available for claw-back in future years.
Capping parameters, including decrease percentages retained and municipal levy changes, are adopted each year by Council once the capping calculations are completed. Any shortfall identified will be reported to Council in August upon completion of the 2004 tax capping calculations. A recommendation for funding any shortfall identified will be made at that time. As noted above, any shortfall will be the municipality’s responsibility as the province has not provided any proportionate sharing of these costs with respect to education levies.

Other tax policy tools available, which help mitigate tax increases, include graduated taxation (banding) and tax rebates*. (*Interestingly, the province will fund the education portion of an approved tax rebate program.) Use of these policy tools further complicates the capping calculation since the mandatory 5% tax increase limit must be adhered to. None of the optional tax policy tools are recommended.

**Recommendation:**
That funding of the capping program be from within the respective class, which is consistent with previous years’ policies. Any shortfall in recovering amounts to fund the cap will be identified in a separate report to be presented to Council in August following completion of the capping calculations and final billing. At that time, a recommendation for required funding, if any, will be presented.

3. OTHER POLICY MATTERS

   1) **Seniors and Disabled (Rebate and Deferral programs):**

      The Municipal Act, 2001 (s.319) requires municipalities to have tax programs to defer all or a part of tax increases for Seniors and Persons with Disabilities. The City is in compliance with the Act and has a Tax Increase Deferral Program. In addition to the mandatory program, the City offers two other tax assistance programs for property owners.

      i. **Tax Increase Deferral Program:** Section 319 of the Municipal Act, 2001 requires municipalities to pass a by-law for the purposes of relieving financial hardship in respect of tax increases for low-income seniors and low-income persons with disabilities. The City of Kingston’s deferral program provides the maximum amount of tax relief from tax increases. No interest is charged on deferred taxes. Owners must apply for this program each year, by April 30. At present we have one participant.

      ii. **Senior Citizens Property Tax Credit $100:** This program is available to seniors who are 65 years or older, receiving the Guaranteed Income Supplement, and occupying the property for which application is made. Owners must apply for this program each year, by April 30. This is a popular program and at present we have 276 participants.

      iii. **Residential Tax Deferral Program** (up to $1,000): This program is available to owners receiving benefits under the Ontario Disability Support Program Act or the Family Benefits Act of Ontario or the General Welfare Assistance Act, or is a senior and is receiving a Guaranteed Income Supplement. At present we have three participants.

**Recommendation:**
No changes are recommended to these programs.
2) **Pre-Authorized Payment Program:**

The *Municipal Act, 2001* provides that municipalities may pass by-laws with respect to pre-authorised payment plans, which are deemed to be an "alternative instalment". City of Kingston by-law no. 2003-368 established an alternative instalment pre-authorized payment program for taxpayers. The program includes ten equalized payments that are automatically debited from taxpayers accounts on the first business day of January through to October. Each of the first six payments (January - June inclusive) are one-tenth of the previous year's levy. The final four payments are each one-fourth of the balance due on the account after production of the final tax bill. This payment plan is popular with over 4,500 property tax accounts being paid under this program.

**Recommendation:**

No changes are recommended to this program.

3) **Tax Instalment Due Dates and Penalty and Interest on Unpaid Taxes:**

The City's tax instalments are payable in February and June. Any change to these instalment due dates would result in a budget impact through the loss of penalty and interest as well as investment income.

Penalty is a percentage charge, which may be charged on the amount of taxes due and unpaid on the first day of default or such later date as the by-law specifies. Interest charges may be imposed for the non-payment of taxes but may not start to accrue before the first day of default. The maximum penalty and interest charge allowed is 1 ¼ percent (15% per annum) of the taxes due and unpaid. Penalty and interest are charged to act as a deterrent to property owners to have unpaid taxes. Due dates and penalty and interest charges will be set in the tax rate by-law, which will be presented to Council for approval on May 18, 2004.

**Recommendation:**

No changes are recommended to either tax instalment due dates or penalty and interest charges.

4) **Interest Cancellation for New Home Owners:**

The *Municipal Act, 2001 (s.345)* provides for late payment charges to be applied to unpaid taxes when they are in default. Council adopted a resolution in July 2001 providing new homeowners relief from interest charges until a tax bill had been forwarded to them. This matter is currently under review by staff to determine the future recommendations.

**Recommendation:**

That staff prepare a report for Council consideration by October 31, 2004.
5) Charitable Organizations:

The Municipal Act, 2001 (s.361) requires municipalities to have a tax rebate program for eligible charities that pays taxes on property it occupies, which is taxed in the commercial or industrial property class. The rebate must be at least 40% of the municipal tax levy and 100% of any amounts passed through pursuant to gross lease provisions. The program must permit applications based on estimated taxes and a final calculation provision. Yearly applications may be made after January 11 and up to February 28 of the following year. Optional provisions include: allowing other organizations that are similar to eligible charities to apply; allowing applications for rebates for taxes on other property classes; providing greater than 40% rebate; providing for adjustments to rebates to be deducted from rebates in the following year. The rebates are recoverable from school boards in the same proportion as the original tax billing. City of Kingston by-law no. 98-212, as amended, provides for a 40% rebate of commercial and industrial property taxes for eligible registered charities only. Amendments to the by-law are required with respect to adjustments and application dates.

Recommendation:

No changes are recommended to this policy.

6) Commercial & Industrial Property – Vacant Unit Tax Rebate Program:

The Municipal Act, 2001 requires that each municipality have a program that allows owners of commercial and industrial property to make application for a tax rebate when a unit is vacant for at least 90 days. The rebate legislated for “eligible vacant units” in commercial property is 30% and in industrial property is 35%. Ontario Reg. 325/01 prescribes the program, leaving very little municipal decision making. Council adopted this program pursuant to report no. C344 on October 10, 2001.

Recommendation:

No change is recommended to this program.

7) Heritage Property Tax Reduction Program:

The Municipal Act, 2001 provides under Section 365.2 that a municipality may pass by-laws to provide tax reductions of up to 40% for eligible property. LACAC reported to Council in January 2003 outlining the broad provisions of the program allowed under the Municipal Act, 2001.

The City of Kingston is one of the oldest cities in Ontario and has many heritage properties. These properties contribute to the economy through tourism and jobs for tradespersons. The City of Kingston has been proactive in establishing programs and making funds available to owners of heritage properties. The Heritage Planner has drafted a report to present to Council on this matter. Due to conflicting priorities and time constraints in the Finance Division this report has not been presented to Council.

Recommendation:

That a report addressing this matter be presented to Council by October 31, 2004.
8) **Tax Relief Program for Certain Elderly Citizens Housing:**

In 1966, 1968 and 1974 City of Kingston Council passed a by-law in each of these years permitting tax reductions to be applied in order that taxation be $25 per unit for three multi-residential senior apartments. Tax relief continues to be provided. Each by-law remains in force until the date when the mortgage, which was obtained to build residences, has been paid. As the mortgages are for approximately 40-50 year terms it is appropriate that these by-laws be reviewed. It was the intention of the Finance Division to complete this review and bring a report to Council in the 3rd quarter of 2003; however, due to other priorities it has been postponed.

**Recommendation:**
That staff prepare a report and make recommendations with respect to continuing tax relief for Elderly Citizens Housing. The report will be presented to Council no later than October 31, 2004.

9) **Comprehensive Tax Policy:**

There are many facets to municipal tax billing and collection. It is important that tax policy matters be reviewed and that Council, staff and public be aware of these policy issues. Policies ensure that consistent information and fairness are established and carried out. To this end, staff has been developing a comprehensive tax policy discussion paper. Once complete, it will be presented to Council for information and future reference. Following establishment of the policy, future tax policy reports, such as this, will include only those policy items requiring revision and/or approval.

**Recommendation:**
That staff present a comprehensive Tax Policy to Council by October 31, 2004.

**EXISTING POLICY/BY-LAW:**

*The Municipal Act, 2001, S.O. 2001, as amended*

**LINK TO THE STRATEGIC PLAN:**

Not Applicable

**FINANCIAL CONSIDERATIONS:**

Tax policy decisions may have financial or tax levy impacts. Decisions having financial impacts may require budget adjustments. None of the above recommendations will affect the 2004 budget. The by-law to establish the 2004 tax rates be presented at the May 18, 2004 Council meeting. Due to short timeframes required to prepare and mail tax bills for the June 30, 2004 due date, we ask that Council consider giving that by-law three readings at that meeting.
CONTACTS:
Denis Leger Commissioner, Corporate Services 546-4291 1328
Gerard Hunt Manager of Finance 546-4291 2205
Pat Carrol Manager of Taxation & Revenue 546-4291 2468

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Not Applicable

NOTICE PROVISIONS:
Not Applicable

APPENDICES:
Appendix “A” – Draft by-law to establish the 2004 tax ratios

Denis Leger
Commissioner of Corporate Services

Bert Meunier
Chief Administrative Officer
BY-LAW NO. 2004-XXX

A BY-LAW TO ESTABLISH THE 2004 TAX RATIOS

PASSED:

WHEREAS Council of the Corporation of the City of Kingston has authorized a by-law to set tax ratios and tax rate reductions for prescribed property subclasses for municipal purposes;

AND WHEREAS the Tax Ratios establish the relative amount of taxation to be borne by each property class;

AND WHEREAS the Corporation of the City of Kingston deems it necessary and expedient, pursuant to Subsection (4) of Section 308 of the Municipal Act, 2001, S.O. 2001 c.25, as amended, to establish the tax ratios for 2004 for the Corporation of the City of Kingston;

AND WHEREAS the Minister of Finance has prescribed new transition ratios for the City of Kingston, pursuant to Subsection (10) of Section 308 of the Municipal Act, 2001, S.O. 2001 c.25 and O.Reg. 118/04;

AND WHEREAS the property classes have been prescribed by the Minister of Finance pursuant to Section 7 of the Assessment Act, R.S.O. 1990, Chapter A.31 and amendments thereto;

AND WHEREAS it is necessary for the Council, pursuant to Section 313 of the Municipal Act, 2001, S.O. 2001 c.25, as amended, to establish tax reduction for prescribed subclasses for 2004.

AND WHEREAS the property subclasses for which tax reductions are to be established are in accordance with Section 8 of the Assessment Act, R.S.O. 1990, Chapter A.31 and amendments thereto;

AND WHEREAS the tax rate reductions reduce the tax rates that would otherwise be levied for municipal purposes;

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

1. That for the taxation year 2004, the tax ratio for property in:
   a) the residential property class is 1.0000;
   b) the new multi-residential property class is 1.0000;
c) the multi-residential property class is 2.662704;
d) the commercial property class is 1.866847;
e) the industrial property class is 3.204133;
f) the pipeline property class is 1.017222;
g) the farmlands property class is 0.250000;
g) the managed forests property class is 0.250000:

2. That the tax reduction for:
   a) the vacant land and excess land subclasses in the commercial property class is 30%;
   b) the vacant land and excess land subclasses in the industrial property class is 35%;

3. That for the purposes of this By-Law:
   a) the commercial property class includes all office building property, shopping centre property and parking lot property;
   b) the industrial property class includes all large industrial property;

4. This By-Law shall come into force and take effect on the date of its passing.

GIVEN ALL THREE READINGS AND PASSED

CITY CLERK MAYOR
TO: Mayor and Members of City Council
FROM: Bert Meunier, Chief Administrative Officer
PREPARED BY: same
DATE OF MEETING: 2004-05-11
SUBJECT: Multi-Year Operating Budget Targets

RECOMMENDATION TO COMMITTEE OF THE WHOLE:

1. That Council confirm the preliminary 2005 and 2006 total Operating budget to be $227,523,000 and $234,202,000 respectively based on projections from the 2004 approved operating budget;

2. That internal departments and external agencies be provided with their 2005 budget envelopes based on a net increase of 2.5%, subject to final Council approval;

3. That the Mayor communicate the above budget constraints to external agencies, provide them with their respective budget envelope and ask them to report by the end of June 2004 how they will achieve these goals.

ORIGIN/PURPOSE:

During the 2004 budget process, Council also approved preliminary 2005 and 2006 Operating budgets so that we could start working immediately on a multi-year strategy to develop a more sustainable long term fiscal position. This has already been done for the utilities budgets. The purpose of this report is to provide Council with updated budget information for 2005 and 2006 as a result of the final municipal 2004 Operating budget approval and obtain Council support for the required budget targets for the future years and the associated strategies.

OPTIONS/DISCUSSION:

1. Multi-Year Operating Budget

The Operating budget revenues for 2005 and 2006 have been adjusted to reflect the final 2004 Council decisions and are based on the assumptions presented at the time. We have listed some of the main ones in the table that follows. Although we do not pretend to have a crystal ball in terms of future inflationary increases, the important notion is the differential between some of the assumptions and the general inflationary increase that may occur in any given year.
For the taxation increase line, in addition to including the 1% Capital contribution increase, the year 2005 would also include the 0.75% increase for the Police building.

Based on these assumptions and our analysis, the following budget revenues have been projected and would represent the budget capacity for the outgoing years 2005 to 2008.

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxation (1% capital)</td>
<td>4%</td>
<td>4%</td>
<td>3%</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td>General Inflation</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Salaries, Wages &amp; Benefits</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td>Growth</td>
<td>$2,000,000</td>
<td>$1,500,000</td>
<td>$1,500,000</td>
<td>$1,500,000</td>
<td></td>
</tr>
<tr>
<td>Use of reserves</td>
<td>$2,700,000</td>
<td>$700,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As can be seen, the yearly increase for the next few years, which includes the planned tax increases, the net growth projections and use of reserves, would be limited to 2.6% to 3% over the next 4 years. As a result, we would recommend that the net budget increases for 2005 and 2006 be limited to 2.5% and 3% respectively.

2. Internal Departments

We are asking departments to identify over the next month an action plan to meet the maximum net budget increase recommended above, of 2.5% for 2005 and how they will achieve as a consequence, reduction targets for 2005 that will probably be in the order of $1,750,000 minimum. They will achieve this by looking at ideas that might have corporate wide and/or departmental application.

We may also be able to achieve some of the savings in 2005 from the Review of Services project approved by Council. Once we identify some service areas to be studied for Council's approval by the end of May, we may have a better understanding if those will contribute to any savings in 2005. However, because this is a long term strategy, we will require departments to identify the full short term 2005 targets to enhance the possibility of meeting the desired budget goal.
At the beginning of the Fall or earlier, we will report back to Council on the progress related to these efforts and as indicated during the 2004 budget process, bring for Council’s consideration any impacts on service levels that may result.

3. External Agencies

We would recommend to Council that you advise external agencies of the same 2.5% for the 2005 net budget increase limit, by way of letters from the Mayor, and that they be required to bring to Council’s attention how they intend to meet those targets by the end of June 2004.

The external agencies affected would be the Cataraqui Region Conservation Authority, the Kingston, Frontenac, Lennox & Addington Public Health Unit, Kingston Access Services, Land Ambulances services, Fairmount Home, the Kingston Frontenac Public Library and Police Services Board. We assume that Kingston Economic Development Corporation’s budget is at a fixed level for the next two years.

We anticipate that the required fiscal reduction target overall for external agencies will be in the order of $1,500,000 with the majority of it being related to the Police budget.

EXISTING POLICY/BY-LAW:

n/a

LINK TO STRATEGIC PLAN:

This is part of the corporate strategy to manage our costs and revenues.

FINANCIAL CONSIDERATIONS:

n/a

CONTACTS:

Bert Meunier, CAO ext. 1214
Denis Leger, Commissioner of Corporate Services ext. 1328

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Commissioners
Manager of Finance

NOTICE PROVISIONS:

n/a
APPENDICES:
n/a

Bert Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer

FROM: Terry Willing, Acting Commissioner, Planning and Development Services

PREPARED BY: Kim Leonard, Acting Manager, Building and Licensing Division

DATE OF MEETING: May 11, 2004

SUBJECT: Policy Direction on Harmonized Animal By-Law

RECOMMENDATION TO COMMITTEE OF THE WHOLE:

WHEREAS on October 28th, 2003 Council directed that the Building and Licensing Division gather input from the public, and;

Whereas a public meeting was held at City Hall on February 25, 2004, and;

Whereas additional input was solicited from the public through extensive media advertising and mail-outs until March 31, 2004;

Therefore be it resolved that Council provide direction to staff by approving the following provisions for inclusion in the next draft of the harmonized Animal Control by-law for Council's consideration:

1. That the restrictions on the numbers of pets be deleted in favour of a request by Council to the Province of Ontario to amend the provisions of the Tenant Protection Act to assist property owners, and;

2. That the fees be changed from lifetime to annual rates for cats to be consistent with the annual renewal for dogs, and to offset the costs associated with enforcement of trespassing cats in City East and City West, and;

3. That the current provisions for leashing in the City Central regulations be removed and that no trespassing regulations be expanded to include the urban areas of the City of Kingston south of Highway 401 to allow Animal Control Officers to respond where a cat has been caught trespassing.
4. That a mandatory neutering program not be adopted but that staff monitor Vancouver’s current regulations for mandatory neutering as it is the only Canadian municipality to currently enforce such a provision, but that the by-law be amended to increase the rates for unaltered cats from $10 to $20, and for unaltered dogs from $25 to $40.

ORIGIN/PURPOSE:

The purpose of developing a new harmonized Animal By-Law is to consolidate the existing thirty-three by-laws that regulate animal issues within the City, into a single harmonized by-law. A draft of this by-law was first presented to Council on July 15, 2003. Council deferred consideration of the by-law to enable staff to further research a number of issues, including verification of permissible numbers of animals in other municipalities.

Staff prepared a revised version of the draft by-law that was considered by Council on October 14 and October 28, 2003. At its regular meeting held on October 28, 2003 Council deferred a resolution to pass the proposed by-law “until there is significant public input with various organizations, and to allow members of the public an opportunity to make submissions.”

The draft by-law and “Frequently Asked Questions” were made available to the public through the media, inclusion of information with renewal notices to pet owners, and on the City’s website. A public meeting was Chaired by Councillor Pater and held at City Hall on February 25, 2004. The public was also invited through the web site and in advertisements to provide additional comments in writing by March 31, 2004.

Public response indicated support for the new by-law in principle with the exception of four areas. The public also raised certain important policy issues that conflict with the original purpose of harmonizing existing animal by-laws. The purpose of this report is to draw these issues to the attention of Council and to request policy direction. Once direction has been provided, a revised version of the proposed new Animal By-Law will be presented to Council for further consideration.

OPTIONS/DISCUSSION:
The majority of respondents expressed concerns on three issues and a fourth issue was raised by Kingston Humane Society who is suggesting a mandatory spaying program.

1. Pet Limits

1.1. Retaining the pet limits as proposed in the draft by-law. This is the first option offered as a means to address pet limits. These limits would apply to the number of pets over 20 weeks of age in the urban area. The draft by-law proposes that no more than two cats and two dogs be housed per unit in apartment buildings with six or more units. No more than six cats and dogs, in any combination would be permitted in all other types of dwellings. Proposed limits were established by Council to replace the current limit in the former City of two dogs and six cats.

This option is not recommended by staff because of the overwhelming opposition to this option expressed during the public consultation process.
1.2. Remove all restrictions on numbers except in urban apartment buildings with six or more units. This is the second option and would allow Council to assist landlords such as the Kingston and Frontenac Housing Corporation, to restrict the number of pets in apartments where the enjoyment of property by other tenants is compromised by the neighbours keeping an excessive number of pets. This option would also avoid an individual unit being damaged.

This option is not supported by staff as it could provoke court challenges and because such a provision is unprecedented to our knowledge.

1.3. Remove all restrictions on the number of pets. This is the third option and would be consistent with the current regulations in place in the former Kingston and Pittsburgh Townships. The majority of submissions received from the public indicate that the proposed limits are too restrictive and do nothing to encourage responsible pet ownership. The current draft by-law to limit the number of pets is therefore seen as an unduly restrictive regulation which does not address the issue of public nuisance.

This option is supported by staff. In order to assist with the concerns of the Housing Corporation, Council could lobby the Provincial Government in conjunction with other interested municipalities to review the Tenant Protection Act as it pertains to pet limits in apartment dwellings. This would follow the lead of the Residential Tenancy Act in British Columbia which currently gives landlords the power to regulate animals.

2. Cat Tags

2.1. Retaining the approach of the current draft by-law. This is the first option and the draft by-law proposed that dog registration be an annual requirement and that cat registration be a one-time requirement. Cat registration would be a requirement only in the urban area south of Highway 401.

This option is not recommended by staff based on public opposition.

2.2. Equalizing the fee structure between cats and dogs. This is a second option to deal with cat registration, the fees in the current draft by-law are lower than the fees proposed for dogs. Variances in fees between cats and dogs have been established based upon the differences in costs to enforce. Apprehending cats has proven to be an impossible task and therefore public assistance is required to capture cats that are trespassing. Apprehending a dog requires specialized equipment and a great deal of staff time. Under Dog Owner Liability act, vicious dog attacks and bites must be investigated by police and animal control officers.

This option is not recommended by staff because the cost for dog enforcement is higher than for cats, largely due to the life safety aspect.
2.3. **Requiring all dogs and all urban cats to be registered annually with a higher rate for dogs.**

   This is a third option. Based on public input the introduction of yearly cat registration is favoured over the current lifetime registration that is proposed in the current draft by-law. At present, there is no requirement for cat registration in either the former Pittsburgh or Kingston Townships. It is being proposed in the current draft by-law that regulations be introduced in the urban portions of the former Townships to expand regulations to all urban areas of the City thereby enabling staff to deal with nuisance problems caused by cats. The majority of animals picked up in City Central are cats, and less than fifty percent are reclaimed by their owners.

   This option is supported by staff. Annual registration was supported in submissions from the public. Increased annual revenues will reduce but not totally offset the increased cost of providing additional service. Any revenues or expenditures for this option will not be realized immediately as a grandfather clause would be instituted for cats that are currently licensed.

3. **Trespassing**

   3.1. **Regulations requiring that cats be leashed.** This is a first option. City Central currently regulates that cats be on leashes. Enforcement of such a regulation has proven to be impossible.

   This option is not supported by staff. The requirement to leash a cat would constitute a significant change in areas where neither trespass or leash regulations are currently in effect.

   3.2. **Trespassing regulation.** This is the second option. A trespass regulation allows residents to contact Animal Control with nuisance concerns. Trespass regulations are less cumbersome to enforce than leash regulations.

   This option is supported by staff. It is recommended that a no trespass requirement be introduced in City East, West and Central, and leash requirements in City Central be deleted. The no trespass regulation will allow staff to respond to calls south of the 401 where cats are trespassing and becoming a nuisance by littering in a child’s sand box or spraying on a neighbour’s screen to name a few instances.

4. **Spay and Neuter Provisions**

   4.1. **Retaining the approach set out in the current draft by-law.** This is the first option. The current proposed by-law provides for a $15.00 fee to register a dog that is neutered or spay and $25.00 to register an unaltered dog. Cat fees are currently being proposed at $5.00 for neutered or spay and $10.00 to register an unaltered cat.

   This option is not supported by staff. It has determined through public consultation that an increased financial saving should be realized between altered and unaltered animals. The proposed variance in fees does not provide sufficient financial incentives to encourage neuter and spay.
4.2. Support mandatory spaying or neutering. This is a second option. This initiative was brought forth by the Kingston Humane Society.

This option is not currently supported by staff. Upon investigation it has been determined that only one Canadian Municipality has implemented this type of regulation. Given the lack of current statistics it would be preferable to review the regulations of this one Municipality and to monitor its activities therefore allowing for future amendments to the by-law.

4.3. Increasing the difference in fees for unaltered animals. This is the fourth option. Fees for spay and neutered dogs would be set at $15.00 and the fee for unaltered dogs would increase to $40.00. The same type of incentive would apply for cats with proposed fees of $5.00 for spay and neutered and unaltered cats would increase to $20.00.

This option is supported by staff. This option provides an incentive for altering pets.

EXISTING POLICY/BY-LAW:
There are currently thirty-three existing by-laws regulating animals in the new City of Kingston, all delineated by the previous township and city boundaries and do not provide consistent and equal services to all of the residents of the City of Kingston.

LINK TO STRATEGIC PLAN:
"Getting Our House in Order" is one of the seven priority areas identified in the Community Strategic Plan that have been approved for immediate action. The development of harmonized by-laws is an important element in establishing an effective and integrated municipal corporation, and in working with residents to build a sense of belonging to the new City.

FINANCIAL CONSIDERATIONS:
No financial implications are considered in this report. The direction that Council provides on the three policy issues described in this report will, however, have implications for the amount of revenue that is generated from the registration of cats and dogs.

CONTACTS:
Kim Leonard, Acting Manager, Building and Licensing 384-1770, ext. 3222
Steve Murphy, Acting Supervisor, Building and Licensing 384-1770, ext. 3225
Annette Lees, By-Law Harmonization Clerk, Building and Licensing 384-1770, ext. 3152
Brian Donaldson, By-Law Harmonization Officer, Council Support 546-4291, ext. 1268
DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Department of Planning and Development Services
Department of Corporate Services, including the Legal Services Division
Rural Affairs Advisory Committee
Kingston Humane Society
Kingston and Frontenac Housing Corporation
Kingston and District Kennel Club
Canadian Rare-Dog Breed Association
Members of the Public

NOTICE PROVISIONS:
There are no formal notice requirements for animal by-laws. However, as noted in this report, an extensive public consultation process was undertaken at the request of Council, which included a public meeting, advertising and a mail-out.

APPENDICES:
- Summary of public input received by Animal Control
- Copy of FAQ mailed out with renewal reminders
- Minutes of Public Meeting

Terry Willing, Acting Commissioner
Planning and Development Services

Bert Meunier
Chief Administrative Officer
SHARING IDEAS FOR A NEW ANIMAL CONTROL BY-LAW
Public Meeting
Minutes
Meeting held Wednesday, February 25th, 2004
7:00 p.m. – 9:00 p.m. Memorial Hall, City Hall

PRESENT
Councillor Beth Pater
Mr. Terry Willing, Acting Commissioner, Planning
Mr. Brian Donaldson, Council Support Division
Ms. Kim Leonard, Supervisor, Building & Licensing
Ms. Annette Lees, By-Law Harmonization Clerk
Mrs. Sunni Rideout, Clerk

ALSO PRESENT
Councillor George Beavis
Councillor Bittu George
Councillor Floyd Patterson
Councillor George Stoparczyk
Mrs. Carolyn Downs
Ms. Linda Chartier
Mr. Ken Gilpin
Mr. Mark McLaughlin

THIS IS NOT A VERBATIM REPORT

MEETING TO ORDER
Councillor Beth Pater called the meeting to order and welcomed all those in attendance. She stated she had wanted to have public input on this by-law and that there have been responses by emails, telephone calls and this public meeting tonight. Councillor Pater introduced staff and requested that Mr. Terry Willing, Acting Commissioner, Planning provide some background.

Mr. Willing explained that the purpose of by-laws is to protect the community and that this by-law is intended to protect pets, children and property. He acknowledged that most people are responsible pet owners. He stated that the Animal Control By-Law being discussed this evening is a draft harmonization of the animal by-laws from the previous three municipalities and solicited suggestions to improve it. He encouraged those in attendance to sign the sheets at the back of the room.

Mr. Willing pointed out that the section of the by-law dealing with the prohibition of dogs at large is intended not only to protect children who may be chased home by dogs at large but also to protect the pet. Mr. Willing explained the reason for the difference in the fees for cats and dogs is that historically dogs have proven to be more aggressive and that the costs involved with restraining a dog as opposed to a cat are higher and offset through fees. He encouraged the purchase of dog tags which make it possible for the animal rescue system to return the pet to its owner and noted the pet has a safe, warm place to stay until it is recovered by its owner. Payments to the Humane Society are partially covered by the fees received from the sale of tags.

Mr. Willing noted that the previous by-law had restrictions with respect to the number of dogs and cats allowable for each household. He pointed out that although landlords are not permitted to restrict the number of dogs and cats in apartments through the Tenant Protection Act, that the proposed Animal Control By-Law sets out more restrictive provisions allowing two dogs and two cats in apartments and six animals in a home.
Sandra Graham, President, Kingston District Kennel Club

Ms. Graham expressed a concern about all aspects of animal welfare. She advised her dogs are licensed either separately or at the kennel and that due to zoning restrictions, kennel licenses are no longer available. She advised her concerns were presented to Council and the proposed new by-law was deferred. Since meeting with staff members, the subsequent report includes definitions and clauses referring to breeders which exempt them from animal number restrictions. Ms. Graham advised she was present tonight to listen to the concerns of pet owners and that they have an obligation to provide the best quality of life that they can for their pets. Food, vet bills, dishes, are all costs to be faced by owners. Pet owners should question everyday whether their pets are safe, under control and if they can spend quality time with their pet.

John Wilson, President, Canadian Rare Dog Breeders Association

Mr. Wilson noted that compliers license their dogs and get shots for their dogs on time. He urged that puppy mills be eliminated and responsible ownership should be encouraged. He asked that animals not be permitted to run at large and for owners to get rabies shots on time. Mr. Wilson questioned whether this was a simple harmonization of the by-laws or an opportunity to increase fees as he is facing an increase in fees from $25.00 to over $300.00. Mr. Wilson advised that he often has dogs in on a temporary basis or dogs in that are being retrained noting that sometimes the dogs are difficult to place in homes. He stated that he had no problem with periodic inspections but pointed out that the illegal puppy mills will not be faced with that requirement. He stated there appears to be no provision for grandfathering. Mr. Wilson noted that these regulations are put in place to govern those people who already comply and suggested that penalties for people who do not comply should be increased to cover the costs of rescuing dogs.

Bill Hay, Kingston Humane Society, Kingston West

Mr. Hay stated that the intent of the by-law is very good but understood there were some emotions over the sections dealing with restricting the number of pets allowed. He pointed out there is no link between the number of animals kept and damage to property and suggested that the problem lay with owners and not with the pets noting that it only takes one neglected animal to create devastation. He suggested the following wording to replace the section in the by-law with respect to number restrictions:

"No person shall own or harbor any cat or dog over the age of six months that has not been spayed or neutered unless such person holds an unaltered animal permit for such animal by City Hall.

Exemptions to this law shall be:

a) Licensed dog and/or cat breeders who obtain a valid breeding permit from the City;

b) Persons who own or harbor guide dogs, hearing dogs, service or police work dogs;

c) Persons who own or harbor a dog or cat who are in possession of a certification signed by a licensed veterinarian stating that such animal is unfit to be spayed or neutered due to health reasons;

d) Persons who are in a situation of fostering cats or dogs and working in conjunction with the local Humane Society."

Mr. Hay noted that approximately 3,000 animals go through the Humane Society annually and that a majority of animals found to have been at large have not been spayed or neutered. He noted the growing feral cat population due to owners permitting their cats to breed and allowing the offspring to run wild. Mr. Hay urged that the City adopt an aggressive mandatory spay/neuter program.
Jason Malley, Manager, Pet Value

Mr. Malley advised he generally favors the by-law and is repeating the concerns raised by customers who visit his store. He expressed a concern respecting the section of the proposed by-law dealing with restricting the number of pets and noted that there is an inequality between the number of animals permitted in an apartment and the number permitted in a home. He pointed out there is no grandfathering provision and if a person who owned three cats moved from a home into an apartment they would be required to give up one pet. Mr. Malley believe that many people cannot afford to register their pets and that this is an overly strict by-law. He noted that there may be people who are considering moving to Kingston with their pets who would be at risk in the absence of a grandfathering clause. Mr. Malley pointed out that there is very little in this by-law that specifically speaks to the care of animals.

Louise McIntyre

Ms. McIntyre advised that in her experience cats that wear collars often get caught and strangle so she takes the collars off her cats.

David Henshaw

Mr. Henshaw expressed a concern relating to the number of animals per household and noted that there is a great deal of difference in having six Golden Retrievers on a small lot and having the same number and type of dog on a larger lot. He noted it was not a good situation when animals do not have enough space to live and it is also bad for animals to be kept inside to avoid detection. Mr. Willing responded that the by-law does not specify lot sizes or breed types.

Indistinguishable Speaker, Kingston

This person noted that people do not always have the money for licenses and therefore do not comply. This person suggested that the cost for a spay/neuter program be reduced in order to encourage having more pets spayed and neutered. Ms. Kim Leonard, Supervisor, Building & By-Law Enforcement noted that the proposed by-law would be a tool to enforce the provisions and penalize those individuals who are not complying with it. She noted that the process is complaint driven.

Jean Cook, Portsmouth Village

Ms. Cook advised that she suffers from asthma relating to a latex allergy which is a crippling disease. She suggested that veterinarians be required to restrict the use of latex in their offices and labs before they impose a mandatory spay and neutering process. She suggested that many animals may turn vicious afterward due to the invasive nature of surgery and pointed out that feral animals include skunks and others. She felt that spay and neuter programs may be harmful and would represent an intense expense to owners and perhaps cause suffering to animals.

John Wilson

Mr. Wilson expressed a concern relating to Section 3.10 of the proposed by-law which states that for applications for Kennel Permits and Breeder Permits it may require an inspection of a property other than a room or place used as a dwelling. He felt it would be possible to move animals into that part of the home for the purpose of avoiding detection. Mr. Brian Donaldson, Council Support Division suggested that entry into a dwelling by a municipal law enforcement officer is prohibited except with a warrant. He pointed out that, under the SPCA Act, if an animal is in distress, the SPCA has the authority to enter a dwelling.
Female member of Student Ghetto (name indistinguishable)

This person spoke of feral cats which are very difficult to catch. In response to her question of who picks up feral cats and what happens to them afterward, Ms. Kim Leonard, Supervisor, Building & Licensing advised that often the homeowner is asked to try to catch them and if that is not possible, by-law enforcement officers make periodic returns to catch them and they are taken to the Humane Society.

Jason Malley

Mr. Malley noted that various landlords have asked for limits to be established because of damage to property and asked if it was possible for landlords to seek recourse through other avenues to recover damages caused by animals. Mr. Malley asked if traps could be borrowed from the Humane Society for use by residents troubled by pets. Ms. Kim Leonard responded that traps are provided to residents, however, in colder weather there is a concern about a resident being at home to regularly check for animals in the trap.

Louise McIntyre, Landlord

Ms. McIntyre noted that sometimes a skunk wanders into the trap. She stated that she is an apartment owner and that male cats often spray even after being neutered. She pointed out that the damage caused by that pet is considered a cost of renting premises and the courts are not sympathetic to the landlord when there is an attempt to recover those costs. The landlord is expected to swallow those costs.

Jason Malley

Mr. Malley suggested that responsible pet owners who register, spay and neuter their animals should be permitted to have a higher number of pets.

Margaret Robertson

Ms. Robertson asked about enforcement in view of the fact that responsible pet owners are going to City Hall and licensing their animals.

Councillor Pater

Thanked people for coming out tonight and providing their input.
PUBLIC FEEDBACK RECEIVED BY MARCH 31, 2004
for the
ANIMAL CONTROL BY-LAW HARMONIZATION PROJECT

<table>
<thead>
<tr>
<th>Comments on the By-law</th>
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Why is the City of Kingston working on a harmonized Animal Control By-Law?

As a result of amalgamation in 1998, the City of Kingston is currently enforcing three different animal by-laws - that of the former City, former Kingston Township and former Pittsburgh Township. Therefore, one harmonized Animal By-Law is necessary for a consistent approach to enforcement and fees throughout the entire new City of Kingston.

Why should I register my pet?

A: Under the proposed harmonized by-law, all dogs over 20 weeks old in any part of the city and all cats over 20 weeks old in the urban area will be required to be registered in the City's pet identification system.

As with the existing by-laws, dogs will need to be registered annually, while a cat's registration will be valid for the lifetime the cat. Upon their registration, an identification tag will be issued for each cat and dog.

A pet identification tag is the only way a stranger or an Animal Control Officer can identify your pet in the event your pet is lost/found. When a cat or dog is found, their pet identification tag number can be located in the City's pet identification system - your lost pet can be identified.

Where can I register my pet?

A: Pets can be registered at City Hall, the 211 Counter Street municipal office, the Licensing Counter of the 1425 Midland Avenue municipal office, the Kingston Humane Society and at some local veterinary clinics and pet stores.

How much will it cost to register my pet?

A: The proposed cost to register a pet is $25.00 per dog and $10.00 per cat. However, as with the existing by-laws, if your pet is spayed or neutered, the cost is reduced to $15.00 per dog and $5.00 per cat.

This registration fee includes identifying the pet when it is lost, enforcement and administration of the pet identification system. The fee also includes updates to the pet's information, such as records of rabies vaccinations, tattoos or other identifying information. If your pet moves to a new home, there is no charge to update its address. To assist the Licensing Office in locating your pet's records quickly, please have the pet's identification number available.

If you do not renew your dog registration prior to January 31, or have been found guilty of an offence under the Dog Owners Liability Act or the Animal Control By-law, additional fees will apply.

What do I bring with me to register my pet?

A: When you register your pet, you will be asked to provide your current address and a description of your dog or cat. If your pet has been spayed or neutered, you will need to bring proof of the procedure the first time you register your pet. You may also be asked to provide proof of inoculation against rabies. If your pet has a tattoo or other identifying information, this can be kept on file as well.

If my cat is already registered, do I have to register it again?

A: No, a cat registration is good for the life of your cat. If you get a new cat, it will need be registered and will obtain an identification tag of its own.

Will my pet have to wear its identification tag at all times?

A: As with the existing by-laws, cats and dogs are required to wear their identification tag at all times. By wearing a pet identification tag at all times, your pet has a greater chance of being identified when someone finds it.

Does my pet require a microchip or tattoo for identification?

A: No, the proposed by-law does not require that you to have a chip or tattoo on any pet. If you do have your pet tattooed or microchipped, the City will record the information on your pet's registration.

I have more pets than the proposed by-law allows, can I still keep all my pets?

A: Yes. Should the proposed by-law take effect, all pets currently registered in the pet identification system and those registered within six months of the proposed by-law coming into effect, will be able to remain with you for their lifetime.

Is the City proposing to limit the number of pets per dwelling in the urban area?

A: For a number of years there has been a limit on the number of pets per dwelling within the boundaries of the former City. Under the proposed harmonized by-law, the maximum number of dogs and/or cats that may be kept in a dwelling in the urban area will be limited to six in total. In apartment buildings with more than six units, the maximum number of cats will be limited to two.
Why wouldn't the proposed limit to the number of pets apply to the rural area of the City?

A: The proposed limit to the number of pets will only apply to the urban area of the City. This limit will not apply to the rural area for the following reasons:

- farms require a larger number of working animals
- rural properties are normally larger in size and typically not in close proximity to each other
- rural residents can not always control the number of animals taking up residence on their property
- there are currently no regulations that limit the number of pets in the rural areas.

What If my dog or cat has puppies or kittens?

A: Under the proposed harmonized by-law, dogs and cats are not required to be registered until the pet reaches the age of 20 weeks. Therefore, the limit on the number of puppies and kittens in a dwelling will not apply until the pets reach the age of 20 weeks. Currently only residents of the former City have been required to register all dogs over two months and all cats by six months.

Do I have to keep my cat indoors?

A: No, you do not have to keep your cat indoors. However, under the proposed harmonized by-law, cats in the urban area (link to map of urban area) will not be allowed to trespass on another person's property.

The City receives a number of complaints each year about cats doing damage to property and digging up and defecating in gardens and children's play areas. Under the proposed by-law, the property owner would have the right to have that cat picked up for identification by Animal Control Officers. The cat may be taken to the Animal Shelter. This is currently a service only provided to residents within the boundaries of the former City and will only apply to the urban area.

Will I have to keep my dog or cat on a leash?

A: As with the existing by-laws, dogs must be kept on a leash at all times, except when they are on your property or the property of someone who has given permission for your dog to go unleashed.

In the boundaries of the former City, there is currently a regulation that cats are to be on leashes. This regulation is not carried forward to the proposed by-law. Therefore, cats would not be required to be on a leash.

How do I contact Animal Control with a complaint or to have a stray cat removed from my property?

A: For quick, efficient animal control service, you can call 384-1770, extension 3117 and your call will be directed appropriately, 24 hours a day.

With the current by-law, if you live within the boundaries of the former City, an Animal Control Officer will remove cats that are trespassing. The cat may be taken to the Animal Shelter.

Residents of the former townships of Kingston and Pittsburgh are not provided with this service under the current by-laws. Under the proposed by-law, the entire urban area of the City will receive the same service.

If the cat is registered with the City, you may also be able to notify its owners directly with the assistance of the Licensing Office (384-1770, extension 3150) and return the cat safely to its home.

How can I comment on or learn more about the proposed Animal Control By-law?

A: A complete version of the proposed Animal Control By-law can be downloaded from our website at www.cityofkingston.ca/animalcontrol. Also, a public open house will be held in 2004. Location and date will be announced at that time.

<table>
<thead>
<tr>
<th>CONTACT US</th>
<th></th>
</tr>
</thead>
</table>
| By mail: | City Hall, Licensing Division  
216 Ontario Street  
Kingston ON, K7L 2J3 |
| By fax: | (613) 384-7106 |
| By e-mail: | animalcontrol@cityofkingston.ca |