TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner of Planning and Development Services
Denis Leger, Commissioner of Corporate Services
Kim Leonard, Acting Manager of Building and Licensing
Brian Donaldson, By-Law Harmonization Officer
DATE OF MEETING: June 15, 2004
SUBJECT: Supplemental Report on a Harmonized Animal By-Law

RECOMMENDATION TO COUNCIL:

That a revised version of a by-law to harmonize animal by-laws in the City of Kingston, entitled “A By-Law to Regulate Animals”, which incorporates the policy directions approved by Council on May 11, 2004, be presented, on the understanding that this harmonized Animal By-Law will take effect on the day it receives Third Reading and is passed;

-and further-

That the following thirty-three (33) By-Laws that deal with animal issues be repealed, on the understanding that the repealing by-laws will come into effect on the same day that the new harmonized Animal By-Law receives Third Reading and is passed:

(1) By-Law No. 2551 “A By-Law To Regulate The Keeping Of Domestic Fowl And Pigeons Within The City Of Kingston” (Former City Of Kingston)
(2) By-Law No. 4425 “A By-Law To Prohibit The Keeping Of Swine Within The City Of Kingston” (Former City Of Kingston)
(3) By-Law No. 4649 “A By-Law To Regulate The Keeping Of Certain Animals In The City Of Kingston” (Former City Of Kingston)
(4) By-Law No. 8 “A By-Law To Provide For The Licensing And Regulation Of Dogs And Cats And For The Control Of Animals Suspected Of Having Rabies” (Former City Of Kingston)
(5) By-Law No. 90-220 “A By-Law To Prohibit And Regulate The Carrying Or Displaying Of A Snake In Any Public Street Or Public Place In The City Of Kingston” (Former City Of Kingston)
(6) By-Law No. 1921-102 "A By-Law To Regulate The Running At-Large Of Dogs" (Former Kingston Township)

(7) By-Law No. 1922-113 "A By-Law To Regulate The Running At-Large Of Dogs" (Former Kingston Township)

(8) By-Law No. 1923-129 "A By-Law To Regulate The Running At-Large Of Dogs" (Former Kingston Township)

(9) By-Law No. 1924-155 "A By-Law To Regulate The Running At-Large Of Dogs" (Former Kingston Township)

(10) By-Law No. 1928-225 "A By-Law Preventing The Spread Of Rabies By Dogs" (Former Kingston Township)

(11) By-Law No. 1944-465 "A By-Law To Appoint Inspectors Of Sheep Or Livestock Killed Or Injured By Dogs And To Fix Remuneration For The Said Inspectors" (Former Kingston Township)

(12) By-Law No. 1944-491 "A By-Law For The Licensing And Regulations Of Dogs" (Former Kingston Township)

(13) By-Law No. 1951-640 "A By-Law To Amend By-Law No. 491" (Former Kingston Township)

(14) By-Law No. 79-75 "A By-Law To License Dogs and to Repeal By-Law Nos. 982, 1102, 67-13 and 75-1" (Former Kingston Township)

(15) By-Law No. 79-82 "A By-Law To Amend By-Law No. 79-75" (Former Kingston Township)

(16) By-Law No. 82-25 "A By-Law To Prohibit The Being At-Large And Trespassing On Highways Within The Limits Of The Township Of Kingston Of Animals Other Than Dogs" (Former Kingston Township)

(17) By-Law No. 83-17 "A By-Law To Regulate, Restrict Or Prohibit The Keeping Of Certain Animals Within Defined Areas" (Former Kingston Township)

(18) By-Law No. 84-13 "A By-Law To Amend By-Law No. 79-75" (Former Kingston Township)

(19) By-Law No. 85-57 "A By-Law To Amend By-Law No. 82-25 And To Prohibit The Being At-Large And Trespassing On Any Municipal Property Of Animals Other Than Dogs And Cats" (Former Kingston Township)

(20) By-Law No. 88-106 "A By-Law To Amend By-Law No. 79-75" (Former Kingston Township)

(21) By-Law No. 92-54 "A By-Law Requiring The Removal Of Dog Excrement" (Former Kingston Township)

(22) By-Law No. 95-54 "A By-Law To Prohibit The Being-At-Large And Trespassing Of Any Animal, Excluding Dogs, Within The Township Of Kingston" (Former Kingston Township)

(23) By-Law No. 95-81 "A By-Law To Authorize The Execution Of A Contract With The Kingston Humane Society For Pound Services For The Township Of Kingston" (Former Kingston Township)
(24) By-Law No. 96-56 "A By-Law To Authorize The Execution Of A Contract With The Kingston Humane Society For Pound Services For The Township Of Kingston" (Former Kingston Township)

(25) By-Law No. 5-28 "A By-Law To Prohibit Dogs Being At-Large In The Township Of Pittsburgh" (Former Pittsburgh Township)

(26) By-Law No. 7-39 "A By-Law To Levy An Annual Dog Tax" (Former Pittsburgh Township)

(27) By-Law No. 8-41 "A By-Law For The Licensing And Requiring The Registration Of Dogs In The Township Of Pittsburgh" (Former Pittsburgh Township)

(28) By-Law No. 4-48 "A By-Law For The Licensing And Requiring The Registration Of Dogs In The Township Of Pittsburgh" (Former Pittsburgh Township)

(29) By-Law No. 5-48 "A By-Law For Prohibiting And Regulating The Running At-Large Of Dogs In The Township Of Pittsburgh" (Former Pittsburgh Township)

(30) By-Law No. 9-48 "A By-Law To Regulate The Keeping Of Swine In The Hamlet Of Barriefield" (Former Pittsburgh Township)

(31) By-Law No. 11-54 "A By-Law To Appoint A Pound Keeper For The Township Of Pittsburgh" (Former Pittsburgh Township)

(32) By-Law No. 25-93 "A By-Law To Regulate Dog Licensing And Dogs Running At-Large" (Former Pittsburgh Township)

(33) By-Law No. 19-94 "A By-Law To Amend By-Law No. 25-93" (Former Pittsburgh Township)

ORIGIN/PURPOSE:
The purpose of the proposed harmonized Animal By-Law is to consolidate the existing regulations that deal with animal issues within the City in a single harmonized by-law. Draft versions of a proposed new by-law have been considered by Council on a number of occasions. In addition, a public meeting has been held and an extensive consultation process has been undertaken. On May 11, 2004, Council approved the recommendations set out in Report No. 04-172, thereby giving policy direction to staff on four contentious policy issues. These directions have been incorporated in the revised version of the proposed harmonized by-law.

OPTIONS/DISCUSSION:
The revised version of the proposed harmonized by-law that is attached to this Report as Appendix A incorporates the policy directions approved by Council on May 11, 2004. It also incorporates two technical amendments suggested by the City's Municipal Accessibility Advisory Committee. In addition, it includes a number of minor editorial changes to further streamline the by-law.

EXISTING POLICY/BY-LAW:
1. Pet Limits
In accordance with the policy direction given by Council, all provisions relating to limits on the number of dogs and cats that have been excluded from the revised version of the proposed harmonized by-law. In addition, a letter from the Mayor to the Minister of Municipal Affairs and
Housing is being prepared. The purpose of the letter is to inform the Minister of Council's request for an amendment to the *Tenant Protection Act* that will permit landlords to impose reasonable restrictions on the number and type of animals that may be kept in their rental units. Such a change would be consistent with the Acts in other provinces like British Columbia.

**2. Cat Registration**

In accordance with the policy direction given by Council, cat registration has been made an annual requirement in the revised version of the proposed harmonized by-law. However, the registration fees for cats will continue to be lower than for dogs in order to reflect the fact that the cost of enforcement for dogs is higher than for cats. Tattoos will be accepted as a tag for both cats and dogs if the owners provide information about the tattoo with their annual registration.

**3. Cat Trespassing**

In accordance with the policy direction given by Council, cats within the designated urban area will be prohibited from trespassing on other privately-owned property in the revised version of the proposed harmonized by-law. This means that cats in the former City will no longer have to be kept on a leash, as they are under By-Law No. 8 of the former City.

Enactment of this trespassing provision will authorize animal control staff, for the first time, to respond to complaints about cats that are trespassing in the urban parts of the former Kingston and Pittsburgh Townships. If the City's animal control officers were to assume responsibility for taking such cats to the animal shelter, the City's costs of animal control enforcement in 2004 would be $50,000 higher than the amount allocated for this purpose in the Budget.

To avoid incurring these additional service costs, owners or occupants of properties in the designated urban area who take possession of a cat that is trespassing on their property will be required, if they want the cat to be impounded, to take it to the animal shelter.

**4. Neutered Cats and Dogs**

In accordance with the policy direction given by Council, the difference between the registration fees for neutered and unneutered cats and dogs has been increased in Schedule A of the revised version of the proposed harmonized by-law. The purpose of this change is to provide a greater incentive for owners to neuter their cats and dogs. In addition, as directed by Council, staff will be monitoring the results of a by-law in the Vancouver area which makes neutering mandatory. However, there are no provisions in this new by-law for mandatory neutering that was requested during the public consultation process.

**5. Definition of Service Animal**

In accordance with a suggestion from the Municipal Accessibility Advisory Committee, an amended definition of "service animal" has been included in the revised version of the proposed harmonized by-law. It refers to a "service cat" as well as a "service dog", includes a requirement for proper identification, and excludes any reference to a specific type of disability.
6. Stooping and Scooping
In accordance with a suggestion from the Municipal Accessibility Advisory Committee, section 4.23 of the revised version of the proposed harmonized by-law does not exempt the owners of service dogs from the requirement to remove faeces left by their dogs. The Committee has pointed out that such an exemption is unnecessary.

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.

CONTACTS:
Kim Leonard, Acting Manager, Building and Licensing 384-1770, ext. 3222
Steven Murphy, 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, an extensive public consultation process was undertaken at the request of Council, which included a public meeting, advertising, internet site, email communications and a mail-out.
APPENDICES:

Appendix “B” – Comparison of Revised Draft Animal By-Law with Existing By-Laws

Terry Willing,
Acting Commissioner of Planning and Development Services

Denis Leger
Commissioner of Corporate Services

Ben Meunier
Chief Administrative Officer
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;

"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 Division, Department of Planning and Development Services or, in the event of organizational changes, another unit designated by Council to carry out the Division's responsibilities for the administration and enforcement of this by-law;

"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;

"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;

“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;

“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 and, where an owner is a minor, includes the person who is responsible for the custody of the minor;

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

“poultry” includes game birds but does not include any bird sold as a household pet;

“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 a 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 a 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 Schedule A.
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 or a breeder permit or for the renewal of such a permit shall be submitted to the Building and Licensing Division in the form provided by the Division, together with the annual permit fee, as set out in Schedule A, and shall indicate the purpose for which the permit is being obtained.

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 Division determines, as a result of evidence that is provided, that the operation of a kennel or the activities of a breeder do not conform with the requirements of this by-law, it may suspend or revoke the permit.

3.13 A person whose application for a kennel 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 Division'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 Schedule A.

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 and every person operating a kennel 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 Schedule A, in addition to the registration or permit fee.

3.18 Every owner of a dog or cat, 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 Schedule A, in addition to the regular annual registration or permit fee.

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 Schedule A, 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.

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 Schedule A, in order to recover the dog from the shelter.

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 Schedule A, in order to recover the cat from the shelter.

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 Schedule A, 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.

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 or cat 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.

**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 Schedule A.

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

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.

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.

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
   Schedule B  Map of Designated Urban Area and Rural Area

7.  OFFENCE AND PENALTY PROVISIONS:

7.1  Every person who 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.

7.2  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.

GIVEN FIRST AND SECOND READINGS

GIVEN THIRD READING AND PASSED

CITY CLERK

MAYOR
SCHEDULE B:

Designated Urban Area and Rural Area
SCHEDULE A:
FEES
(including taxes)

**Dog Registration (Annual)**
- Dog $40.00
- Dog that has been neutered or spayed $15.00
- Dog that is used for breeding by kennel or breeder with permit No fee

**Cat Registration (Annual)**
- Cat $20.00
- Cat that has been neutered or spayed $5.00
- Cat that is used for breeding by kennel or breeder with permit No fee

**Service Animal**
No fee

**Kennel Permits and Breeder Permits (Annual)**
- Permit Fee, including registration of animals used for breeding $200.00

**Recovery of Animal from Animal Shelter**
- Administrative Fee $75.00

**Late Payment Fee**
- Additional amount for late payment $10.00

**By-Law and Dog Owners' Liability Act Offences**
- Additional fee for convicted owner 50%

**Appeals under Section 3.13**
- Administrative Fee $75.00
Comparison of the Proposed New Animal By-Law with the By-Laws of the Former Municipalities

<table>
<thead>
<tr>
<th>Issue:</th>
<th>Proposed New By-Law</th>
<th>By-Laws of Former City of Kingston</th>
<th>By-Laws of Former Kingston Township</th>
<th>By-Laws of Former Pittsburgh Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Registration <em>(section 4.1)</em></td>
<td>Requires annual registration</td>
<td>Requires annual registration</td>
<td>Requires annual registration</td>
<td>Requires annual registration</td>
</tr>
<tr>
<td>Cat Registration <em>(section 4.1)</em></td>
<td>Requires annual registration in urban area only</td>
<td>Requires one-time registration</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Kennel Permits and Breeder Permits <em>(section 4.6)</em></td>
<td>Requires annual kennel permit or breeder permit [home occupation]</td>
<td>Requires annual kennel permit</td>
<td>Annual kennel permit is an alternative to registering individual dogs</td>
<td>Requires annual kennel permit</td>
</tr>
<tr>
<td>Number of Dogs</td>
<td>No provisions</td>
<td>Permits no more than two dogs in former City</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Number of Cats</td>
<td>No provisions</td>
<td>Permits no more than six cats in former City</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Number of Dogs and Cats in Apartments</td>
<td>No provisions</td>
<td>No provisions</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Dogs being at Large/Leashing Requirements <em>(sections 4.18 to 4.20)</em></td>
<td>Prohibits dogs being at large; leash required on all property other than that of the owner</td>
<td>Prohibits dogs being at large; leash required on all property other than that of the owner</td>
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</tr>
<tr>
<td>Dogs Trespassing <em>(section 4.18)</em></td>
<td>Prohibits dogs trespassing on private property in entire City</td>
<td>Prohibits dogs trespassing by implication under “at large” provisions</td>
<td>Prohibits dogs trespassing by implication under “at large” provisions</td>
<td>Prohibits dogs trespassing by implication under “at large” provisions</td>
</tr>
<tr>
<td>Cats being at Large/Leashing Requirements</td>
<td>No provisions</td>
<td>Prohibits cats being at large; leash required on public land</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Cats Trespassing <em>(sections 4.21 and 4.22)</em></td>
<td>Prohibits cats trespassing on private property in urban area only</td>
<td>Prohibits cats trespassing by implication under “at large” provisions</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
</tbody>
</table>
### Comparison of the Proposed New Animal By-Law with the By-Laws of the Former Municipalities

<table>
<thead>
<tr>
<th>Issue</th>
<th>Proposed New By-Law</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Stoop and Scoop <em>(section 4.23)</em></td>
<td>Requires owners to remove dog faeces in entire City</td>
<td>Requires owners to remove dog faeces</td>
<td>Requires owners to remove dog faeces</td>
<td>Requires owners to remove dog faeces</td>
</tr>
<tr>
<td>Behaviour of Dogs <em>(sections 4.24 and 4.25)</em></td>
<td>Prohibits vicious and certain other behaviour</td>
<td>Prohibits vicious behaviour</td>
<td>No provisions</td>
<td>Prohibits vicious and certain other behaviour</td>
</tr>
<tr>
<td>Guard Dogs <em>(section 4.12)</em></td>
<td>Requires a warning sign</td>
<td>Requires a warning sign</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Vicious Dogs <em>(sections 4.26 and 4.27)</em></td>
<td>Permits muzzling order for dog that has bitten a person or animal</td>
<td>Requires muzzling of dog that has bitten a person or animal</td>
<td>Provides for impounding a dog alleged to have bitten a person</td>
<td>Provides for impounding or shooting a dog attacking a person</td>
</tr>
<tr>
<td>Dog Owner Charged under Dog Owner’s Liability Act <em>(section 4.28)</em></td>
<td>Requires dog to be muzzled until the court has made a decision on the matter</td>
<td>Requires dog whose owner has been convicted under the Act to be muzzled</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Impounding <em>(sections 4.29 and 4.30)</em></td>
<td>Provides for impounding of dogs and cats running at large or trespassing</td>
<td>Provides for impounding of dogs and cats running at large</td>
<td>Provides for impounding of all animals, other than cats, running at large</td>
<td>Provides for impounding of dogs running at large</td>
</tr>
<tr>
<td>Livestock and Poultry <em>(sections 4.13 and 4.14)</em></td>
<td>Permits keeping on agricultural properties and lots of 5 acres</td>
<td>Prohibits pigs; sets out some other restrictions</td>
<td>Prohibits in residential and institutional zones</td>
<td>Prohibits pigs in Barriefield</td>
</tr>
<tr>
<td>Snakes, Tarantulas and Scorpions <em>(sections 4.15 and 4.16)</em></td>
<td>Prohibits carrying or displaying on highways and in public places</td>
<td>Prohibits carrying or displaying on highways and in public places</td>
<td>Prohibits keeping poisonous snakes in residential and institutional zones</td>
<td>No provisions</td>
</tr>
<tr>
<td>Carrying Snakes, Tarantulas and Scorpions <em>(section 4.17)</em></td>
<td>Specifies measures for carrying or transporting</td>
<td>Specifies measures for carrying or transporting</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
</tbody>
</table>
## Comparison of the Proposed New Animal By-Law with the By-Laws of the Former Municipalities

<table>
<thead>
<tr>
<th>Fees</th>
<th>Proposed New By-Law</th>
<th>By-Laws of Former City of Kingston</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Cat Registration Fee (sections 3.3, 3.5 and Schedule A)</td>
<td>$20.00 per year $5.00 if neutered</td>
<td>One-time fee: $10.00 $5.00 if neutered</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Dog Registration Fee (sections 3.3, 3.5 and Schedule A)</td>
<td>$40.00 per year $15.00 if neutered</td>
<td>$25.00 per year $10.00 if neutered</td>
<td>$15.00 per year $10.00 if neutered</td>
<td>$10.00 per year $10.00 if neutered</td>
</tr>
<tr>
<td>Kennel Permit and Breeder Permit (s. 3.7 and Schedule A)</td>
<td>$200.00 per year, includes the registration fee of animals used for breeding</td>
<td>$50.00 per year</td>
<td>$25.00 per year</td>
<td></td>
</tr>
<tr>
<td>Late Payment Fee (section 3.17 and Schedule A)</td>
<td>$10.00 additional fee if paid after January 31st</td>
<td>$10.00 additional fee for late payment (dogs)</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Conviction for Offence under By-Law or Dog Owners’ Liability Act (section 3.1 and Schedule A)</td>
<td>50 percent surcharge for dog or cat registration or kennel or breeder permit in each year</td>
<td>50 percent surcharge for dog registration in each year</td>
<td>No provisions</td>
<td>No provisions</td>
</tr>
<tr>
<td>Recovery of Impounded Dog or Cat (sections 3.19 to 3.22 and Schedule A)</td>
<td>Daily fee to shelter plus $75.00 administrative fee charged now</td>
<td>Provides for daily fee; $75.00 admin. fee is charged now</td>
<td>Provides for daily fee; $75.00 admin. fee is charged now</td>
<td>No specific provisions; $75.00 admin. fee is charged now</td>
</tr>
</tbody>
</table>