



CITY OF KINGSTON

Ontario

By-Law Number 2004-144

A By-Law To Regulate Animals

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(Office Consolidation)

**City of Kingston of Kingston By-law Number 2004-144
A By-Law To Regulate Animals**

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City Of Kingston By-Law Number 2004-144

A By-Law To Regulate Animals

Passed: June 22, 2004

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

And Whereas City Council considers it advisable to pass such a by-law;

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

1.0 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 of Kingston 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 of Kingston.

“Appeals Committee” means the committee established by the Council Procedure By-Law (Number 98-1, as amended) and includes any successor committee designated by Council to carry out the Committee’s responsibilities;

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

(By-law Number 2004-144; 2011-65)

“breeder” means a person, other than a person who operates a kennel, who breeds dogs, cats or rabbits on any property including his or her residential property.

(By-law Number 2004-144; 2013-205)

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

(By-law Number 2004-144; 2011-65; 2013-205)

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

(By-law Number 2004-144)

1.0 Definitions cont’d:

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

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

(By-law Number 2004-144; 2011-65)

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

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

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

(By-law Number 2004-144; 2013-205)

“**dwelling**” means a self-contained residential unit;

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

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

(By-law Number 2004-144; 2011-65)

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

(By-law Number 2004-144; 2011-65)

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

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

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

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

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

(By-law Number 2004-144; 2011-65)

1.0 Definitions cont’d:

“**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;

(By-law Number 2004-144)

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

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

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

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

(By-law Number 2004-144; 2011-65)

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

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

(By-law Number 2004-144; 2011-65)

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

“**rabbit**” means a male or female rabbit, whether neutered or intact.

(By-law Number 2004-144; 2013-205)

“**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;

1.0 Definitions cont’d:

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

(By-law Number 2004-144)

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

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

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

(By-law Number 2004-144)

“**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.

(By-law Number 2004-144)

2. Application:

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

3. Administration:

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

Procedure for Registration of Dogs and Cats

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

(By-law Number 2004-144; 2008-14; 2015-76)

- 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.

(By-law Number 2004-144; 2015-76)

3.5 **Registration of Dogs and Cats:**

- (1) No fee will be charged for first time registration of:
 - a. a dog or cat under the age of 6 months, and;
 - b. a spayed or neutered dog or cat that is over the age of 6 months
- (2) a person who is registering a spayed or neutered dog or cat that is over the age of 6 months for the first time shall provide evidence that the dog or cat has been neutered or spayed in order to receive a free registration; and
- (3) a refund for the current year's registration will be issued to a person who provides evidence that their dog or cat has been spayed or neutered within the one year period for which the fee was paid to register their dog or cat; and
- (4) a refund of the difference between the fee paid to register a dog or cat and the fee for a microchipped dog or cat will be issued to a person who provides evidence that the dog or cat has been microchipped within the one year period for which the fee was paid.

(By-law Number 2004-144; 2013-205; 2015-76)

Procedure for Registration of Dogs and Cats

- 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, Breeder Permits and Hen Coop Permits

(By-law Number 2004-144; 2013-205)

- 3.7 Every application for a kennel permit, breeder permit or a hen coop permit or for the renewal of such a permit shall be submitted to the Building and Licensing Department in the form provided by the Department, together with the annual permit fee, as set out in By-law 2005-10, and shall indicate the purpose for which the permit is being obtained.

(By-law Number 2004-144; 2008-14; 2011-65)

- 3.8 Every application for a permit will be reviewed by the Division to determine whether it meets the requirements of this by-law and, as part of this review, will be circulated to the Building Section, Kingston Fire and Rescue, KF&LA Health Unit, Kingston Humane Society, and an animal control officer for comments.

- 3.9 These agencies and individuals, as part of their review, may require an inspection of the property, other than a room or place used as a dwelling.

- 3.10 If it is determined that an application meets the requirements of this by-law, the Division will issue the permit if the permit fee has been paid.
- 3.11 If it is determined that an application does not meet the requirements of this by-law, the Division will refuse to issue the permit and will refund the permit fee.
- 3.12 If, at any time, the Manager determines, as a result of evidence that is provided, that the operation of a kennel, hen coop or the activities of a breeder do not conform with the requirements of this by-law, it may suspend or revoke the permit.

(By-law Number 2004-144; 2011-65)

- 3.13 A person whose application for a kennel permit, hen coop permit or a breeder permit or a renewal of such a permit has been refused or whose permit has been suspended or revoked may, within fifteen days of being notified of the Manager's decision, submit an application to the Appeals Committee for a review of the matter, together with the required administrative fee, as set out in By-law 2005-10.

(By-law Number 2004-144; 2008-14; 2011-65)

- 3.14 A person who has applied for a review of the Division's decision will be given an opportunity to make written representations or to appear before the Appeals Committee when it reviews the matter.

(By-law Number 2004-144)

- 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 of a dog, cat or rabbit, every person operating a kennel and every person who owns a hen coop, who does not pay the applicable annual fee for the renewal of the registration or permit by, in the case of an owner of a dog or cat, each anniversary of the initial registration date or renewal date, as applicable, and in the case of every breeder of a dog, cat or rabbit, every person operating a kennel and every person who owns a hen coop, by March 31st of each year, may be required to pay an administration fee, as set out in By-Law 2005-10, in addition to the registration or permit.

(By-law Number 2004-144; 2008-14; 2011-65; 2013-205; 2015-76)

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

(By-law Number 2004-144; 2008-14; 2011-65; 2013-205)

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 the redemption period, defined for dogs as being five days, excluding the day on which the dog was impounded and excluding any day that the Pound is not open to the general public, and defined for cats as being three days, excluding the day on which the cat was impounded and excluding any holiday and any other day that the Pound is not open to the general public, recover the dog or cat during the hours when the Pound is open to the public and, in order to do so, shall be required to pay the full amount of the administrative fee, as set out in by-law 2005-10, as amended, the fee established by the Pound for the period that the animal has been in the Pound, and Shelter, if applicable, and the full amount of any emergency veterinary medical care that was required by the dog or cat.

(By-law Number 2004-144; 2008-14; 2013-171)

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

(By-law Number 2004-144; 2008-14)

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

(By-law Number 2004-144; 2008-14)

4. **Regulations:**

Registration and Permits

Dog and Cat Registration

4.1 Every dog and cat shall be registered in the City's animal identification system in accordance with Part 3 of this by-law.

(By-law Number 2004-144; 2013-205)

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

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

(By-law Number 2004-144; 2008-14; 2011-65)

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

4.5 A dog and cat registration is valid for one year only, and shall be renewed each year by the anniversary date of the initial registration date or renewal date, as applicable, by paying the applicable annual registration fee.

(By-law Number 2004-144; 2011-65; 2013-205; 2015-76)

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.

(By-law Number 2004-144)

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

(By-law Number 2004-144; 2008-14)

Kennel Permits and Breeder Permits cont'd:

- 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 for dogs, cats or rabbits unless the following conditions are met:
- (1) 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; and
 - (2) the property conforms with all applicable law, including but not limited to the Health Protection and Promotion Act, the Ontario Society for the Prevention of Cruelty to Animals Act, and the Fire Protection and Prevention Act; and
 - (3) the property is kept in a clean and sanitary condition at all times; and
 - (4) 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
 - (5) 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; and

Kennel Permits and Breeder Permits - 4.9 cont'd:

- (6) at all times, dogs, cats and rabbits shall be provided with proper housing, nutrition, health care and necessary exercise; and
(By-law Number 2004-144; 2013-205)
- (7) every breeder shall maintain current and accurate records pertaining to their breeding program, including the particulars of all dog, cat and rabbit sale transactions, and shall surrender same on demand of a By-Law Enforcement Officer; and
- (8) no breeder shall sell or donate a dog, cat or rabbit to a pet store in the City of Kingston; and
- (9) every breeder shall ensure that potential purchasers of dogs, cats and rabbits are screened for their suitability and capability to own and meet the needs of the particular species and breed being purchased. A written record of the screening shall be kept for inspection by a By-Law Enforcement Officer; and
- (10) no dog, cat or rabbit shall be sold, adopted or given away before eight (8) weeks of age; and
- (11) no dog, cat or rabbit shall be sold, adopted or given away until treated for external and internal parasites, and core vaccinations as recommended for species by veterinarians; and
- (12) the breeder of dogs and cats shall provide a copy of the animal's health certificate and vaccination records to its new owner; and
- (13) no female dog, cat or rabbit shall be bred until it is certified healthy by a veterinarian and must be certified healthy to breed on an annual basis; and
- (14) the breeder permit number shall be displayed where the dogs, cats and rabbits are sold and shall be included in any advertising of dogs, cats or rabbits for sale; and
- (15) every breeder shall provide a written sales agreement containing the name of the purchaser, the date of sale, and the name of the animal's breed. In addition, all terms and conditions of the sale, including a return or replacement policy that includes an obligation to accept any return of a dog, cat or rabbit, shall be clearly defined. The agreement shall be properly dated and signed by all parties; and
- (16) every breeder shall provide the new owner of a dog, cat or rabbit with documentation which verifies:
 - a) the date of the sale;
 - b) the sale price;
 - c) the dog, cat or rabbit's breed or cross-breed;
 - d) the sex of the dog, cat or rabbit,
 - e) the age of the dog, cat or rabbit,
 - f) a description of the dog, cat or rabbit, including colour and markings if any;

Kennel Permits and Breeder Permits - 4.9 cont'd:

- g) an up to date certificate of health from a veterinarian for the dog or cat.
- (17) each breeder shall provide clean, adequate, safe housing and run areas specific to the nature and exercise requirements for the breed of the dog, cat or rabbit; and

(By-law Number 2004-144; 2013-205)

- (18) every dog, cat or rabbit must be provided with adequate:
 - a) food and water;
 - b) appropriate medical attention;
 - c) adequate and appropriate resting and sleeping area;
 - d) adequate and appropriate space to enable the animal to move naturally and to exercise;
 - e) sanitary conditions;
 - f) ventilation;
 - g) light; and
 - h) protection from the elements, including harmful temperatures.
- (19) every breeder shall ensure that no dog, cat or rabbit shall be kept in a crowded cage or room, in accordance with the Canadian Council on Animal Care (CCAC) standards; and
- (20) every breeder shall ensure that every dog, cat or rabbit that exhibits signs of distress or suffering will receive immediate veterinary care; and
- (21) every breeder shall issue a City of Kingston license tag to the new owner of every dog or cat sold, adopted or given away to a person who resides in Kingston, and every breeder shall ensure that all dogs & cats are microchipped; and
- (22) every breeder shall retain for 7 years a written record of every transaction and the record shall include the following:
 - a) the date of the sale,
 - b) the sale price,
 - c) the breed or cross-breed,
 - d) the sex of the dog, cat or rabbit,
 - e) the age of the dog, cat or rabbit,
 - f) a description of the dog, cat or rabbit, including colour and markings if any, and
 - g) an up to date certificate of health from a veterinarian for the dog or cat being purchased, adopted or given away.

(By-law Number 2004-144; 2013-205)

Kennel Permits and Breeder Permits cont'd

- 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 year only, and shall be renewed by March 31st of each year by paying the annual permit fee.

(By-law Number 2004-144; 2013-205)

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;

(By-law Number 2004-144)

- (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

Snakes, Tarantulas, Scorpions and other Spiders cont'd:

(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.

(By-law Number 2004-144)

Being at Large or Trespassing - Hen Coops

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

(By-law Number 2004-144; 2011-65)

(b) Every person who holds a hen coop permit shall allow, at any reasonable time, an animal control officer or other authorized employee or agent of the City to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this by-law are being complied with.

(By-law Number 2004-144; 2011-65)

(c) Hen coops and hen runs shall be a distance of at least 1.2 m from the rear lot line and at least 1.2 m from any side lot line of the dwelling lot on which the hen coop is located.

(By-law Number 2004-144; 2011-65)

(d) Hen coops and hen runs shall be located at least 15 m from any school.

(By-law Number 2004-144; 2011-65)

(e) Hen coops and hen runs shall be located at least 7.5 meters from any church or business.

(By-law Number 2004-144; 2011-65)

(f) Hen coops and hen runs shall be a minimum distance of 3 m from all windows and doors of dwellings that are located on an abutting property.

(By-law Number 2004-144; 2011-65)

(g) Hen coops and runs are not permitted in any front or side yard.

(By-law Number 2004-144; 2011-65)

Being at Large or Trespassing - Hen Coops cont'd

- (h) A maximum of 6 hens will be permitted on any residential property.
(By-law Number 2004-144; 2011-65)
- (i) The keeping of hens shall only be permitted in residential zones. Tenants must obtain permission from the property owner to keep hens on the owner's property.
(By-law Number 2004-144; 2011-65)
- (j) The owner of the hens must reside on the property where the hens are kept.
(By-law Number 2004-144; 2011-65)
- (k) Home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
(By-law Number 2004-144; 2011-65)
- (l) Sales of eggs, manure and other products associated with the keeping of hens are prohibited.
(By-law Number 2004-144; 2011-65)
- m) Hens shall be kept in their coops between 9:00 p.m. and 6:00 a.m.
(By-law Number 2004-144; 2011-65)
- (n) Hen coops and hen runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin.
(By-law Number 2004-144; 2011-65)
- (o) Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with compost regulations, and no more than three cubic feet shall be stored at any one time.
(By-law Number 2004-144; 2011-65)
- (p) Manure shall be disposed of in accordance with Municipal by-laws.
(By-law Number 2004-144; 2011-65)

Being at Large or Trespassing - Hen Coops cont'd:

- (q) The regulations set out in sections 4.17 (a) to 4.17 (q), and section 4.17 (s) do not apply to any agricultural property.
(By-law Number 2004-144; 2011-65; 2013-204)
- (r) No owner shall cause or permit his or her hen to become a public nuisance by persistently clucking.
(By-law Number 2004-144; 2011-65)
- (s) Any person applying for a hen coop permit shall provide notification to the owners of all properties abutting the person's property of the applicant's intention to obtain a hen coop permit.
(By-law Number 2004-144; 2013-204)

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.
(By-law Number 2004-144)
- 4.20.1 Notwithstanding the provisions contained herein, the following areas shall be designated as off-leash dog areas:
- i) MacLean Trail Park
 - ii) Memorial Centre
 - iii) Meadowbrook Park
 - iv) Rotary Park
- (By-law Number 2004-144; 2009-75)

Cats

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

Hens

- 4.22 (a) No owner shall cause or permit his or her hen to be at large.
(By-law Number 2004-144; 2011-65)

Behaviour of Dogs

- 4.23 Every owner and other person who is in charge of a dog shall immediately remove any feces 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.

(By-law Number 2004-144)

- 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.

Impounding Dogs and Cats cont'd

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 This By-law does not apply to animals kept on agricultural properties in agricultural zones.

5.2 Exemptions as set out in Part 4 of this by-law.

(By-law Number 2004-144; 2013-205)

6. Schedules:

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

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

Schedule B Map of Designated Urban Area and Rural Area

(By-law Number 2004-144; 2008-14)

7. Offence And Penalty Provisions:

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

(By-law Number 2004-144; 2011-65)

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

Offence And Penalty Provisions cont'd

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

8. Validity:

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

9. Commencement:

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

Schedule A: Fees

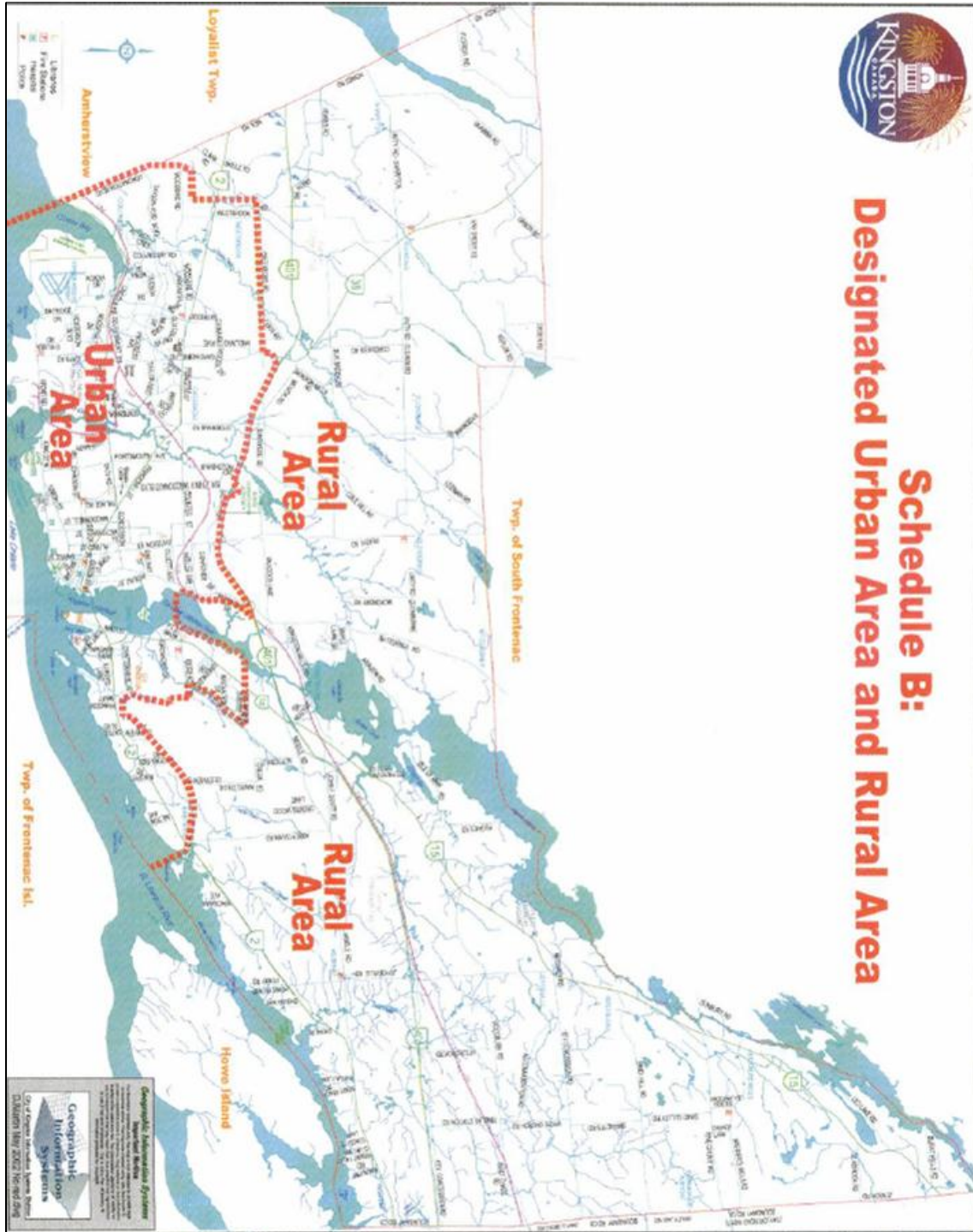
Schedule A is hereby repealed and replaced by the provisions of Schedule A of by-law 2005-10, as amended, being "A By-Law to Establish Fees and Charges to be Collected by The Corporation Of The City Of Kingston".

(By-law Number 2004-144; 2008-14)

Schedule B: Map of Designated Urban Area and Rural Area
(see next page)

(By-law Number 2004-144)

Schedule B:



(By-law Number 2004-144)