



CITY OF KINGSTON
**REPORT TO ARTS RECREATION &
COMMUNITY POLICIES COMMITTEE**

Report No.: ARCP-13-013

TO: Chair and Members of Arts, Recreation and Community Policies Committee

FROM: Cynthia Beach, Commissioner, Sustainability & Growth

RESOURCE STAFF: Terry Willing, Director, Building & Licensing
Kim Leonard, Manager, Licensing & Enforcement

DATE OF MEETING: June 27, 2013

SUBJECT: Sale of Dogs, Cats and Rabbits in Pet Stores

EXECUTIVE SUMMARY:

At its regular meeting held February 5, 2013, Council passed the following motion:

***THAT** Council ban the sale of dogs, cats, and/or rabbits from pet stores, except via adoption from humane societies and rescue groups, and*

***THAT** an amendment be made to the City's Animal Control By-law to add rabbits to the list of animals that require a permit to be bred; and*

***THAT** staff be directed to prepare a subsequent report, regarding the preferred pet sale regulatory option and to confirm the desire to require a permit for pet rabbit breeding, to the Arts, Recreation and Community Policies Committee, and that the report include a detailed implementation plan, and budgetary consideration.*

A draft by-law to amend By-Law 2006-213 being, "A By-Law to License, Regulate and Govern Certain Businesses" to prohibit the sale of dogs, cats and rabbits in pet stores is attached to this report as Exhibit "A". Staff are recommending that the draft by-law take effect on the date of the third reading and that pet store owners be given three months from the date of enactment of the by-law to deplete their inventory of dogs, cats and rabbits that they have for sale. Pet store owners will not be permitted to purchase or accept for free any of these animals after the date that the by-law comes into effect.

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RECOMMENDATION:

THAT Schedule P-2 Pet Stores of By-Law 2006-213 being “A By-Law to License, Regulate and Govern Certain Businesses” be amended to prohibit the sale of dogs, cats and rabbits, and

THAT Schedule P-2 be further amended to allow for the placement of dogs, cats and rabbits in pet stores for adoption on agreement with a humane society or rescue group who hold a registered charity number; and

THAT By-Law 2013-XXX attached as Exhibit “A”, being “A By-Law to Amend By-Law 2006-213 Schedule P-2 Pet Stores”, which includes regulations for pet store sales, be adopted.

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AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER <u>Cynthia Beach, Commissioner, Sustainability & Growth</u>
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER <u>Gerard Hunt, Chief Administrative Officer</u>

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

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OPTIONS/DISCUSSION:

At its regular meeting held on January 24, 2013, the Arts, Recreation & Community Policies Committee received a staff report which provided the Committee with options to consider with respect to possible courses of action that the City of Kingston may take to restrict the sale of cats, dogs and rabbits in pet stores.

The following options were provided by staff:

Option 1: Retain Regulations and Increase Inspections

THAT the existing regulations be retained, and that staff increase the monitoring of pet stores, to include mandatory quarterly inspections of pet stores, that sell animals to ensure compliance with the City's Business Licensing By-law.

Option 2: Register of Pet Sale Information

THAT the existing sale of animal regulations be expanded, to include new regulations for the sale of dogs, cats and rabbits in pet stores, requiring a pet store maintain a register in which the following information must be recorded: the date of purchase, a full description of the animal, together with the name, address and description of the person from whom it was purchased or otherwise obtained; and that it be understood that the regulations may include the requirement, that a pet store provide every pet buyer with a receipt containing the following information:

1. The date of the sale;
2. The sale price;
3. The breed or cross-breed;
4. The sex of the animal;
5. The age of the animal;
6. A description of the animal, including colour and placing of markings, if any;
7. An up-to-date certificate of health from a veterinarian of the dog, cat or rabbit being purchased.

Option 3: Ban the Sale of Dogs, Cats and Rabbits at Pet Stores

THAT Council ban the sale of dogs, cats, and/or rabbits from pet stores, except via adoption from humane societies and rescue groups, or by sale when the dog, cat or rabbit is surrendered to the pet store for no fee (either exclusively from Kingston sources or from anywhere).

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Option 4: Licensing of Rabbit Breeders

THAT the Arts, Recreation and Community Policies Committee also consider an amendment to the City's Animal Control By-law to add rabbits to the list of animals that require a permit to be bred.

Preferred Options

The Arts, Recreation and Community Policies Committee (ARCP) recommended the following options to Council:

***THAT** Council ban the sale of dogs, cats, and/or rabbits from pet stores, except via adoption from humane societies and rescue groups, and*

***THAT** an amendment be made to the City's Animal Control By-law to add rabbits to the list of animals that require a permit to be bred; and*

***THAT** staff be directed to prepare a subsequent report, regarding the preferred pet sale regulatory option and to confirm the desire to require a permit for pet rabbit breeding, to the Arts, Recreation and Community Policies Committee, and that the report include a detailed implementation plan, and budgetary consideration.*

On February 5, 2013, Council resolved that staff report back with an amendment to the Animal Control By-law to add rabbits to the list of animals that require a permit to be bred. In addition, Council also resolved that staff prepare a subsequent report confirming the desire to require a permit for pet rabbit breeding and that the report include a detailed implementation plan and budgetary considerations. At its regular and subsequent meeting held on February 19, 2013 Council resolved that a Responsible Pet Ownership Program (RPOP) Working Group be established and that as part of their mandate, the group would provide recommendations through a staff report. The mandate for the RPOP Working Group included a rabbit breeders' license program and rabbit breeders' licensing implementation and costing. Dog breeding and cat breeding are also part of the mandate of the RPOP Working Group and rabbit breeding will have many similarities to dog and cat breeding. Staff has not addressed rabbit licensing or breeding in this report as they would both fall under the Animal Control By-Law and amendments to that by-law will be recommended as part of the RPOP report that will be submitted to the ARCP Committee later this summer.

The City's by-law to license, regulate and govern certain businesses currently has the authority to apply to every person that sells live animals, including birds and reptiles, as household pets in pet stores. There are 2 exemptions under the by-law. The first exemption applies to registered breeders of purebred dogs or cats and the second applies to persons who carry on a farming business that is a permitted use under the zoning by-law that applies to the property. Staff

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has proposed that in addition to the general conditions in the by-law, the pet store licensing schedule allows for suspension or revocation of a license should the Humane Society find that an animal is in distress. A license may also be revoked or suspended where an animal is sold or offered for sale where it is prohibited by Federal or Provincial law, or Municipal By-Law of the City of Kingston.

An amending by-law has been prepared to ban the sale of dogs, cats and rabbits in pet stores and is attached to this report as Exhibit "A". A special condition allows for the placement of dogs, cats and rabbits in pet stores for adoption on agreement with a humane society or rescue groups who hold a registered charity number.

The Responsible Pet Ownership (RPOP) Working Group supports banning the sale of dogs, cats and rabbits in pet stores along with the special condition which allows for the placement of dogs, cats and rabbits in pet stores for adoption on agreement with a humane society or rescue groups who hold a registered charity number.

One pet store has provided their concerns with the banning of the sale of dogs, cats and rabbits in their pet store and those concerns are attached to this report as Exhibit "B". One of their main concerns is the influx of animals that the Humane Society will receive as a result of the ban. The Kingston Humane Society has confirmed that they are prepared to accept all dogs, cats and rabbits that would have normally been provided to the pet stores for sale. The Kingston Humane Society currently operates the City pound service and therefore any additional animals that are taken in to the pound would come with a cost to the City. Dogs and cats are retained in pound status for a period of five days to allow for redemption. During that time the City pays an intake fee of \$50, a daily lodging fee of \$25, medical fees including transportation to and from a veterinarian and their fees if medical attention is required, along with euthanasia and disposal of the animal if it is recommended. If all of the above services are required the cost for one cat or dog could potentially be in excess of \$750. Staff can confirm that the City has paid up to \$600 in the past for an animal during the redemption period but it is not common to pay that large of a fee.

Another concern from the pet store owner is that they need to be allowed time to revamp their business in order to survive. Council did endorse the ban of the sale of dogs, cats and rabbits in pet stores at its regular meeting held on February 5, 2013. Staff, with the support of the RPOP Working Group, has included a clause in the amended by-law which allows the pet stores three months after the enactment date of the by-law to sell any inventory that was in their store on the date the by-law comes into effect. It has been proposed that pet stores be given three months after the enactment of the by-law to prepare for the ban of pet sales in their stores. The three month period has been proposed to provide extra time for the pet store owners to deplete their inventory and to revamp their business.

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EXISTING POLICY/BY LAW:

By-Law 2006-213, "A By-Law to License, Regulate and Govern Certain Businesses".

NOTICE PROVISIONS:

An advertisement of the June 27, 2013 ARCP Committee meeting to discuss proposed amendments to the Business Licensing By-law was published on the City's website 2 weeks prior to the ARCP Committee meeting in accordance with the City's Public Notice Policy.

ACCESSIBILITY CONSIDERATIONS:

Other formats of this report are available upon request.

FINANCIAL CONSIDERATIONS:

Varying degrees of enforcement resources will be required to ensure compliance with the pet store ban. Pet store inspections can be accommodated by utilizing existing staff resources. The City could experience an increase in pound services as a result of this change.

CONTACTS:

Kim Leonard, Manager, Licensing & Enforcement
Greg McLean, Policy & Program Coordinator,
Licensing & Enforcement

613-546-4291 ext. 3222
613-546-4291 ext. 1336

OTHER CITY OF KINGSTON STAFF CONSULTED:

Sarah Viau, Associate Legal Counsel, Legal Services

EXHIBITS ATTACHED:

Exhibit "A" – By-Law 2013-XXX being "A By-Law to amend By-Law 2006-213, A By-Law to License, Regulate and Govern Certain Businesses"

Exhibit "B" – Correspondence from Cliff and Sarah Perry

BY-LAW NO. 2013-XXX

A BY-LAW TO AMEND BY-LAW NO. 2006-213, "A BY-LAW TO LICENSE, REGULATE AND GOVERN CERTAIN BUSINESSES".

PASSED:

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

1. By-Law 2006-213, as amended, being "A By-Law to License, Regulate and Govern Certain Businesses", is hereby further amended as follows:

1.1 Schedule P-2 Pet Stores of By-Law 2006-213 is repealed and replaced with the revised Schedule P-2, "Pet Stores" attached hereto.

2. This by-law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS _____, 2013

GIVEN THIRD READING AND FINALLY PASSED _____, 2013

MAYOR

CITY CLERK

SCHEDULE P-2 PET STORES	
Applicable to:	Every person that sells live animals, including birds and reptiles, as household pets.
Exemptions:	The requirement to obtain a "pet store license" does not apply to: <ul style="list-style-type: none"> (1) registered breeders of purebred dogs or cats; or (2) persons who carry on a farming business that is a permitted use under the zoning by-law that applies to the property. (3) the placement for adoption of dogs, cats and rabbits through an agreement with a Humane Society or Rescue Groups with a registered charity number.
Reason for Licensing/Conditions:	Health and safety - to ensure that animals are provided clean sanitary environments and proper veterinary care where required Consumer protection – that sick animals are not being sold to people or spreading diseases
Annual License Fee:	In Accordance with Fees & Charges By-law 2005-10
Application Circulated to:	(1) Building Section (2) Kingston Fire and Rescue (3) Kingston Police
Special Conditions:	In addition to the General Regulations set out in Part 4 of this by-law, the following special conditions apply to every pet store: <ul style="list-style-type: none"> (1) No dog, cat or rabbit shall be purchased or taken in for free for sale by a pet store after August 13, 2013; (2) On August 14, 2013 any pet store that sells dogs, cats or rabbits shall provide the Licensing Section with a full list of their inventory of dogs, cats and rabbits, noting sex, breed, colour, special markings, age, microchip and or tattoo if applicable and date of receipt of the dog, cat or rabbit; (3) No dog , cat or rabbit shall be sold in a pet store after November 13, 2013; (4) If the OSPCA finds an animal that is in distress, the Licensing Section may suspend or revoke the license; (5) A license may be revoked or suspended where an animal is sold or offered for sale where it is prohibited by federal or provincial law, or Municipal By-law of the City of Kingston;

Saunders,Holly

From: Leonard, Kim
Sent: June 4, 2013 3:18 PM
To: Saunders, Holly
Subject: FW: The pet store Bylaw

-----Original Message-----

From: Cliff Perry [REDACTED]
Sent: May 21, 2013 12:59 PM
To: Gerretsen, Mark
Subject: RE: The pet store Bylaw

Thank you for getting back to me, when and where is the meeting?
My comments are for anyone to see so please pass on to whoever you like.

The one question that still needs to be answered before a vote is finalized is where are these animals going to go? I will be the first to blame these groups for any discarded animals that are left in boxes or dumpsters to die, we have seen this happen already. Also what tax burden is this going to have on our property owners?

As I already mentioned that this industry needs change and in fairness the Kingston humane society needs change as well. If the plan is to just euthanize EXTRA pups and kittens that's not very humane at all. They are always full and everyone knows that. People feel very comfortable bringing puppies and kittens to us as they 100% find new home and are never euthanised!

I'm not sure we are looking out for the average citizen here, just one small, very loud group.

If we are so bad where are the reports from OSPCA inspectors on us? They are the governing body not a local rescue group (KAR)

Cliff Perry
The Pet Store

> -----Original Message-----

> From: Cliff Perry [REDACTED]
> Sent: April 30, 2013 3:01 PM
> To: Gerretsen, Mark
> Cc: [REDACTED] Scott, Jeff
> Subject: The pet store Bylaw

>

> Mr. Mark Gerretsen

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>


> We are aware that this proposed bylaw will be revisited at the end of
> June.

>

> We are wondering if Kingston humane society and Kingston animal rescue
> have come up with any solutions for the influx of animals they will
> get should our business cease. When we check their websites and
> Facebook pages they are already in desperate need of foster homes for
> the overpopulation of animals they have and this will only increase as
> the breeding season progresses. Are they prepared for 700 more animals?

>

> We have over 1500 signatures on our petition from concerned and
> satisfied customers. These citizens support us and share our concern

> as to what will happen if we are not there to re home the animals that
> often have no where else to go to find new homes.
>
> During our last meeting we talked about a way the bylaw could be
> written that could keep us in business and I believe that I have found 2 ways.
> First we are more then happy re homing just unwanted and unplanned
> litters of animals ex. mixed breeds. I know there is some talk about
> how to make this legate, one way is what we suggested in having an
> intake log that is sent to the city monthly. With this we would only
> be able to sell kittens that are vet checked, vaccinated and dewormed
> for the price not more then
> \$100 this would insure that no monies are given to the "breeder" thus
> no reason to breed. The same for a puppy but the price could not
> surpass 300 with the same vet care. This is one way to guarantee that
> these animals were not bred for money.
>
> Number 2 is if this bylaw come into effect as worded we would like be
> allowed time to revamp our business in order to survive. We have been
> in discussions with the mall and they are willing to work with us to
> help keep us in the mall. They realize what a huge draw our store is
> and integral part of their business and this city. Our proposal would
> be it starts in june 2014, we dont think this is too much to ask as
> this change made quickly would end our buisness.
>
>
> As we have said before the city has the ability to have some control
> over the animals we re home and that these groups of people are not
> going after the real problem which is other stores importing dogs from
> out of our area and the selling of pups on the internet. For example
> today at 2:30 I went on Kijiji and searched pups for sale in Kingston
> and the search found 92 dogs since April 28....less then three days.
>
> Who is the problem really? Not us!
>
> We thank you for your time and if you have any questions please do not
> hesitate to contact us.
>
> Cliff and Sarah Perry
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