



**City Of Kingston**

**Ontario**

**By-Law Number 2021-166**

**A By-Law to Repeal and Replace By-Law Number 2004-144,  
“A By-Law to Regulate Animals”**

**(Short Title “Animal Control By-Law”)**

**Passed:** October 5, 2021

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**By-Law Number 2021-166**

**A By-Law to Repeal and Replace By-Law Number 2004-144, “A By-Law to Regulate Animals”**

**Passed** October 5, 2021

**Whereas** the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time (the “*Municipal Act, 2001*”) authorizes the council of a municipality to pass by-laws with respect to animals; and

**Whereas** Subsection 103(1) of the *Municipal Act, 2001* provides that, if a municipality passes a by-law regulating or prohibiting the being at large or trespassing of animals, it may provide for the seizure, impounding and sale of impounded animals; and

**Whereas** Subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of persons; and the protection of persons and property; and

**Whereas** Subsection 425(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence; and

**Whereas** Section 432 of the *Municipal Act, 2001* provides that a by-law under Section 425 of the *Municipal Act, 2001* may establish a procedure for the voluntary payment of penalties out of court where it is alleged that there has been a contravention of any by-laws related to animals being at large or trespassing; and

**Whereas** Subsection 429(1) of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*; and

**Whereas** Subsection 434.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*; and

**Whereas** pursuant to the *Municipal Act, 2001*, Council enacted By-Law Number 2004-144, “A By-Law to Regulate Animals”, as amended; and

**Whereas** Council desires to repeal and replace By-Law Number 2004-144, as amended;

**Therefore be it resolved that** the Council of The Corporation of the City of Kingston hereby enacts as follows:

## Section 1: Definitions

### 1.1. In this By-Law:

“**Administrative Penalty**” means an administrative penalty administered pursuant to the Administrative Process Penalty By-Law;

“**Administrative Process Penalty By-Law**” means City of Kingston By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”, as amended or replaced from time to time;

“**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 Control Order**” means an order issued pursuant to Subsection 17.1. of this By-Law;

“**Appeals Committee**” means the appeals committee established by City of Kingston By-Law Number 2010-205, “A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston”, as amended or replaced from time to time, and includes any successor committee designated by Council to carry out the Appeals Committee’s responsibilities;

“**At Large**” refers to a situation where an Animal is not under the control of a Person and is found on any Property other than that of the Owner, except where the owner of the Property permits the Animal to be on their Property;

“**Breeder**” means a Person, other than a Person who operates a Kennel, who breeds Dogs, Cats or Rabbits on any Property;

“**Building and Enforcement Services**” or “**Division**” means the City of Kingston Building and Enforcement Services Department, or, in the event of organizational changes, another department designated by Council to carry out the administration and enforcement of this By-Law, and includes the Manager;

“**Cat**” means a domesticated feline, whether neutered or intact, but does not include a Feral Cat;

“**City**” or “**City of Kingston**” means The Corporation of the City of Kingston;

“**Coop**” means a fully enclosed structure where Hens are kept and which is constructed in accordance with this By-Law and contains lockable roofs and doors;

“**Council**” means the Council of the City of Kingston;

“**Dog**” means a domesticated canine, whether neutered or intact;

“**Domestic Animal**” means an Animal that is kept as a household pet;

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

“**Fees and Charges By-Law**” means City of Kingston By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”, as amended or replaced from time to time;

“**Feral Cat**” means a cat that is At Large, has no Owner, is not socialized and is extremely fearful or resistant to humans;

“**Guard Dog**” means a Dog trained for security purposes;

“**Hen**” means a female chicken;

“**Hen Run**” means a covered, secure enclosure that provides Hens with access to the outdoors;

“**Herding Dog**” means a Dog that has been trained and used to work as part of a farming operation for guarding, control or protection of Livestock;

“**Impound Fee**” means the recovery fee, as set out in the Fees and Charges By-Law, together with the Pound’s daily impoundment fee for care, feeding and sheltering, plus the cost of all veterinary care provided by the Pound to the Animal;

“**Kennel**” means a place where Dogs or Cats are raised, boarded or trained for profit or gain, but excludes a pet store, Veterinary Hospital or Clinic, Animal shelter or Pound;

“**Leash**” means a rope, chain or similar device capable of restraining the Animal to which it is attached;

“**Livestock**” refers to Animals that are kept for agricultural purposes, such as cattle, fur-bearing animals, goats, horses, sheep, pigs, donkeys, emu, ostriches, alpacas, llamas and other Animals, excluding Poultry;

“**Manager of Licensing and Enforcement**” or “**Manager**” means the City’s Manager, Licensing and Enforcement Services and their designate or, in the event of organizational changes, another Person designated by Council;

“**Muzzle**” means a humane fastening or covering device placed over the mouth of an Animal that is of adequate strength to prevent the Animal from biting, and “**Muzzled**” has a corresponding meaning;

“**Owner**” means any Person who possesses, harbours or keeps an Animal and, where an Owner is a minor less than eighteen (18) years of age, includes the Person who is responsible for the custody of the minor;

“**Penalty Notice**” means a notice given pursuant to Sections 2.2 and 2.4 of the Administrative Process Penalty By-Law;

“**Person**” includes an individual, a corporation, association or a partnership, as applicable;

“**Pigeon**” means a bird from the family Columbidae;

“**Pigeon Loft**” means an enclosure used for the keeping of Pigeons;

“**Poultry**” includes game birds and roosters, but excludes any bird kept as a Domestic Animal, Hens and Pigeons;

“**Pound**” means a facility designated by the City for the temporary housing and care of Animals that have been impounded pursuant to this By-Law;

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

“**Rabbit**” means a domestic rabbit, whether neutered or intact;

“**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 of the City of Kingston that are designated as being part of the rural area pursuant to Schedule F of this By-Law;

“**Tether**” means a rope, chain or similar restraining device that is not connected to a Person and that prevents an Animal from moving beyond a localized area, and “**Tethered**” has a corresponding meaning;

“**Urban Area**” means the areas of the City of Kingston that are designated as being part of the urban area pursuant to Schedule F of this By-Law;

“**Veterinarian**” means a Person licensed under the *Veterinarians Act*, R.S.O. 1990. c. V.3, as amended or replaced from time to time;

“**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*, R.S.O. 1990, c. P.13, as amended or replaced from time to time, that restricts the use of land.

## **Section 2: Application**

- 2.1 Except as otherwise provided, this By-Law applies to all Animals within the geographic boundaries of the City of Kingston and to the Owners of such Animals.

## **Section 3: Administration**

- 3.1. Building and Enforcement Services is responsible for the administration and enforcement of this By-Law.

## **Section 4: Permitted Animals**

- 4.1. No Person shall own, keep, possess or transfer an Animal that is not listed in Schedule A of this By-Law, except:
- a) in accordance with an exception described in Schedule A of this By-Law; or
  - b) in the following places or circumstances:
    - (i) a Veterinary Hospital or Clinic;
    - (ii) the Kingston Humane Society;
    - (iii) the Pound;
    - (iv) an accredited educational institution or research facility where such Animals are housed or studied; or
    - (v) a temporary educational or entertainment display, including a circus or zoo, that is supervised at all times by a qualified handler.
- 4.2. No Person shall carry or display a snake, scorpion, lizard, tarantula, or other spider listed in Schedule A in any place to which the public is customarily admitted, including, without limitation, a public sidewalk, except in accordance with Subsection 4.3. of this By-Law.
- 4.3. Every Person who must transport a snake, scorpion, lizard, tarantula, or other spider listed in Schedule A in any place to which the public is customarily admitted, including, without limitation, a public sidewalk, shall, at all times during the period of transport, confine the snake, scorpion, lizard, tarantula, or other spider inside a cloth bag placed in a box made of durable material with a lid that has been fastened securely, but which permits the Animal to breathe.

## **Section 5: Dog And Cat Registration**

- 5.1. Every Owner of a Dog or Cat shall register each Dog and/or Cat in the City's Animal Identification System in accordance with this Section 5.
- 5.2. Subsection 5.1 does not apply to a Cat kept in the Rural Area or to a Herding Dog.
- 5.3. If a Dog or Cat is required to be registered pursuant to Subsection 5.1. above, the 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 Building and Enforcement Services and paying the applicable annual registration fee, as set out in the Fees and Charges By-Law.
- 5.4. A Person shall register or renew the registration of a Dog or Cat at the place(s) designated by the Division for this purpose.
- 5.5. A Dog or Cat registration is valid for one (1) year only and shall be renewed each year on or before the anniversary of the initial registration date or renewal date, as applicable, by paying the applicable annual registration fee, as set out in the Fees and Charges By-Law.
- 5.6. No fee will be charged for the initial one (1) year registration of:
  - a) any Dog or Cat under the age of six (6) months; and
  - b) any spayed or neutered Dog or Cat that is over the age of six (6) months, subject to Subsection 5.7. below.
- 5.7. A Person who is registering a spayed or neutered Dog or Cat over the age of six (6) months for the initial one (1) year registration shall provide evidence to the City that the Dog or Cat has been spayed or neutered.
- 5.8. A refund equal to the initial one (1) year registration fee paid will be issued to a Person who provides evidence to the City that their Dog or Cat has been spayed or neutered within the one (1) year period for which the fee was paid.
- 5.9. A refund equal to the difference between the fee paid to register an un-microchipped Dog or Cat and the fee for a microchipped Dog or Cat will be issued to a Person who provides evidence to the City that the Dog or Cat has been microchipped within the one (1) year period for which the fee was paid.
- 5.10. A Person who is registering or renewing the registration of a Dog or Cat may be required as a condition of the registration or renewal to provide evidence that the Dog or Cat has a current certificate of immunization against rabies.

- 5.11. Upon completion of the registration and payment of the applicable annual registration fee, as set out in the Fees and Charges By-Law, the Dog or Cat will be included in the City’s Animal Identification System by means of the issuance of a tag with the registered number of the Dog or Cat, or by another means of identification that is adopted by the City from time to time.
- 5.12. Every Owner shall ensure that the tag issued under Subsection 5.11. of this By-Law is securely fixed on the Dog or Cat at all times.

### **Section 6: Kennel Permits And Breeder Permits**

- 6.1. No Person shall operate a Kennel or operate as a Breeder without a valid Kennel permit or Breeder permit issued in accordance with Section 7 of this By-Law.
- 6.2. A Person is not eligible for a Kennel permit or the renewal of a Kennel permit unless:
- a) the proposed use conforms with the Zoning By-Law that applies to the Property;
  - b) the Property complies with City of Kingston By-Law Number 2005-100, “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston”, as amended or replaced from time to time, and any other applicable by-laws;
  - c) the Property conforms with all applicable laws, including, without limitation, the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13, and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, all as amended or replaced from time to time;
  - d) the Property is kept in a clean and sanitary condition at all times;
  - e) every Dog that has reached the age of six (6) months and that resides on the Property permanently has been registered in the City’s Animal Identification System; and
  - f) if the Property is in the Urban Area, every Cat that has reached the age of six (6) months and that resides on the Property permanently has been registered in the City’s Animal Identification System.

- 6.3. The holder of a Breeder permit shall comply with the conditions listed in Schedule B of this By-Law at all times, and a Person is not eligible for a Breeder permit or the renewal of a Breeder permit unless all of the conditions listed in Schedule B of this By-Law are met.
- 6.4. 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.
- 6.5. A Kennel permit or Breeder Permit is valid for a maximum of one (1) year only and shall be renewed by March 31st of each year by paying the annual permit fee.

## **Section 7: Permit Procedures**

- 7.1. Every application for:
  - a) a Kennel permit or Breeder permit required pursuant to Section 6 of this By-Law;
  - b) a Hen Coop permit required pursuant to Schedule C of this By-Law; or
  - c) a Pigeon Loft permit required pursuant to Schedule D of this By-Law,or for the renewal of any such permit, shall be submitted to Building and Enforcement Services in the form provided by the Division, together with the annual permit fee, as set out in the Fees and Charges By-Law, and shall indicate the purpose for which the permit is being obtained.
- 7.2. Every application for a permit pursuant to Subsection 7.1. above will be reviewed for compliance with this By-Law and will be circulated to the City's Building Services Department, Planning Services Department, KFL&A Public Health, Kingston Humane Society (or the applicable Pound services provider), and an Animal Control Officer for comments.
- 7.3. The agencies and departments referred to in Subsection 7.2. above may, as part of their review, require an inspection of the Property, other than a room or place used as a Dwelling, and failure or refusal to permit such an inspection, or to comply with the requirements or conditions of the agency and/or department, may result in a permit not being issued.
- 7.4. If it is determined that an application does not meet the requirements of this By-Law or of the agencies and/or departments listed in Subsection 7.2. of this By-Law, the Manager will refuse to issue the permit.

- 7.5. The Manager may impose such terms or conditions on a permit issued pursuant to Subsection 7.1. as the Manager considers appropriate.
- 7.6. If, at any time, the Manager has reasonable grounds to believe that the holder of a Kennel permit, Breeder permit, Hen Coop permit or Pigeon Loft permit is not complying with the requirements of this By-Law, the Manager may suspend or revoke the permit.
- 7.7. A Person whose application for a Kennel permit, Breeder permit, Hen Coop permit or Pigeon Loft permit, or for a renewal of any such permit, has been refused or whose permit has been suspended or revoked may, within fifteen (15) days of being notified of the refusal, suspension or revocation, as the case may be, submit an application to the Appeals Committee for a review of the decision, together with the required administrative fee, as set out in the Fees and Charges By-Law.
- 7.8. An application to appeal shall be submitted in writing or in the form prescribed by the Division to the City Clerk's office.
- 7.9. A Person who has applied for a review of the Manager's decision will be given an opportunity to make submissions to the Appeals Committee in accordance with City of Kingston By-Law Number 2010-205, "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston", as amended or replaced from time to time.
- 7.10. On appeal, the Appeals Committee has the power to affirm the decision of the Manager to refuse, suspend or revoke the permit, or to direct the Manager to issue, renew or reinstate the permit.
- 7.11. The Appeals Committee may, when reviewing a denied, suspended or revoked permit, impose such terms or conditions on the permit as the Appeals Committee considers appropriate.
- 7.12. Decisions of the Appeals Committee are final.

## **Section 8: Administration Fees**

- 8.1. Every Owner of a Dog or Cat who does not pay the applicable annual registration fee on or before the date specified in Subsection 5.5. of this By-Law shall be subject to an administration fee, as set out in the Fees and Charges By-Law, in addition to the registration fee.
- 8.2. Every holder of a Kennel permit, Breeder permit, Hen Coop permit or Pigeon Loft permit who does not pay the applicable permit fee by March 31<sup>st</sup> of each year shall be subject to an administration fee, as set out in the Fees and Charges By-Law, in addition to the permit fee.

**Section 9: Hens**

- 9.1. No Person shall keep a Hen on any Property except in accordance with Schedule C of this By-Law.

**Section 10: Pigeons**

- 10.1. No Person shall keep a Pigeon on any Property except in accordance with Schedule D of this By-Law.

**Section 11: Livestock And Poultry**

- 11.1. No Person shall keep Livestock or Poultry on any Property except:
- a) on an Agricultural Property;
  - b) on a Property containing five (5) or more acres;
  - c) on a Property that houses horses that are in the service of the City or a local board of the City, as that term is used in the *Municipal Act, 2001*, including the Kingston Police Services Board;
  - d) in a Veterinary Hospital or Clinic; or
  - e) as part of a temporary cultural, recreational or educational event, including a public or agricultural fair.

## **Section 12: Dogs**

- 12.1. Every Owner of a Dog shall immediately remove any feces left by their Dog on any City-owned Property in the City of Kingston.
- 12.2. 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”.
- 12.3. No Owner shall cause or permit their Dog to engage in any of the following acts of public nuisance:
  - a) persistently bark or howl;
  - b) damage public or private property;
  - c) scatter garbage or interfere with waste management activities;
  - d) chase Persons, vehicles, Domestic Animals, Livestock, Poultry, Hens, or other Animals kept on an Agricultural Property;
  - e) swim at a public beach, swimming or wading pool; or
  - f) be off-Leash in a public park or recreational area, except at an off-leash dog area referred to in Subsection 15.4. below.
- 12.4. No Owner of a Dog shall engage in any activity or conduct which is intended or is likely to cause the Dog to bite or attack a Person, Domestic Animal, Livestock, Poultry, Hen, or other Animal kept on an Agricultural Property.

## **Section 13: Advertisement Of Animals**

- 13.1. Only a licensed Breeder or the operator of a pet store or an established animal rescue agency (including, without limitation, the Kingston Humane Society) may advertise a Dog, Cat or Rabbit for sale.

## **Section 14: Standards Of Care**

- 14.1. No Owner shall allow their Animal to remain outdoors during the period in which a cold warning or heat warning issued by either or both the City of Kingston’s Medical Officer of Health or Environment Canada is in effect in the City of Kingston, unless the Animal has access to an enclosure that will adequately protect the Animal from the elements.
- 14.2. No Owner shall allow their Animal to be Tethered unattended on public property for longer than a fifteen (15) minute period.

- 14.3. No Owner shall allow their Animal to be Tethered unattended on private property unless the following conditions are met:
- a) the Animal has free and unrestricted movement within the range of Tether;
  - b) the Animal has access to food, water, and protection from the elements, including the sun; and
  - c) the Tether is a minimum of three (3) metres long.

**Section 15: Animals At Large/Trespass**

- 15.1. No Owner shall cause or permit its Dog, Livestock, Poultry or Hen, to be At Large, except as expressly permitted in this By-Law.
- 15.2. Subsection 15.1. does not apply to a Herding Dog that is actively engaged in the performance of its duties or to an Animal trained for and engaged in law enforcement by any federal, provincial or municipal government or government agency.
- 15.3. Notwithstanding Subsection 15.1. of this By-Law, a Dog is not deemed to be At Large where the Dog is on land that is designated as an off-leash dog area pursuant to Subsection 15.4. of this By-Law.
- 15.4. The following City parks contain designated off-leash dog areas, where indicated with signage:
- a) MacLean Trail Park;
  - b) Memorial Centre;
  - c) Meadowbrook Park;
  - d) Rotary Park;
  - e) Grass Creek Park; and
  - f) any other area designated by the City as an off-leash dog area from time to time.
- 15.5. Every Owner of a Dog shall comply with the regulations specified in Schedule E of this By-Law while present at an off-leash dog area.
- 15.6. No Owner shall cause or permit a Dog or Cat, other than a Cat in the Rural Area, to trespass.

- 15.7. An Animal Control Officer may seize and/or impound any Animal that is At Large or trespassing in contravention of this By-Law, and may use any reasonable means to seize and/or impound such Animal.

### **Section 16: Procedures For Impounded Animals**

- 16.1. The Pound will keep a record of every Animal 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.
- 16.2. The redemption period for an impounded Dog is five (5) days, excluding the day on which the Dog was impounded and excluding any day that the Pound is not open to the public.
- 16.3. The redemption period for an impounded Cat is three (3) days, excluding the day on which the Cat was impounded and excluding any day that the Pound is not open to the public.
- 16.4. The Owner of an impounded Animal, or a Person acting on the Owner's behalf may, within the applicable redemption period, and after paying the full amount of the Impound Fee, recover the Animal during the hours when the Pound is open to the public.
- 16.5. If a Cat in the Urban Area or a Dog, other than a Herding 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, in addition to the Impound Fee, pay the applicable annual registration fee, as set out in the Fees and Charges By-Law, in order to recover the Cat or Dog from the Pound.
- 16.6. If the Owner of an impounded Animal fails to claim the Animal before the expiry of the applicable redemption period and to pay the fees specified in this Section 16, the Animal will become the property of the Pound.

### **Section 17: Animal Control Orders**

- 17.1. An Animal Control Officer may issue an Animal Control Order to an Owner where the Animal Control Officer has reason to believe:
- a) an Owner's Dog is alleged to have bitten or attacked a Person or Animal in the absence of any mitigating factor which excuses the behaviour of the Dog, such as where the Dog is acting in self-defence, defence of its young or Owner, or in response to being teased, provoked or tormented; or
  - b) an Owner is in breach of Section 4 of this By-Law.

- 17.2. In the case of Subsection 17.1(a) above, an Animal Control Order may require the Owner of a Dog to do such things as the Animal Control Officer deems necessary, at the Owner's expense, including, without limitation, any or all of the following:
- a) to Muzzle the Dog;
  - b) to secure the Dog on the Owner's Property in such a way as to prevent the Dog from escaping the Property;
  - c) to post "Beware of Dog" signage in a conspicuous area on the Owner's Property;
  - d) to prohibit the Dog from attending at any designated off-leash dog areas;
  - e) to keep the Dog on a Leash of no greater than six (6) feet when not on the Owner's Property;
  - f) to advise the Manager should the Dog become At Large;
  - g) to advise the Manager should the ownership of the Dog be transferred to a new Owner or if the Owner changes addresses; and/or
  - h) to confirm the species or breed of the Dog in a form satisfactory to an Animal Control Officer.
- 17.3. An Animal Control Order pursuant to Subsection 17.1(a) shall be in effect for a period of no longer than two (2) years from the date it is issued, or the outcome of any court decisions rendered through the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended or replaced from time to time, whichever is shorter.
- 17.4. An Animal Control Order pursuant to Subsection 17.1(b) may require the Owner of the Animal to do such things as the Animal Control Officer deems necessary, at the Owner's expense, including, without limitation, any or all of the following:
- a) to confirm the species or breed of the Animal in a form satisfactory to an Animal Control Officer;
  - b) to surrender the Animal to a rescue agency within a fourteen (14) day period; and/or
  - c) to provide proof of the surrender of the Animal in a form satisfactory to the Manager.

- 17.5 In accordance with Section 105 of the *Municipal Act, 2001*, if an Owner is required to Muzzle a Dog pursuant to Subsection 17.2 above, the Owner is entitled to request a hearing to determine whether or not to exempt the Owner in whole or in part from the requirement, provided that such request does not act as a stay of the Muzzling requirement.

### **Section 18: Obstruction**

- 18.1. 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.
- 18.2. Where an Animal Control Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person, the Animal Control Officer may require the name, address, and proof of identity of that Person.
- 18.3. Failure to provide proof of identification satisfactory to an Animal Control Officer when requested to do so pursuant to Subsection 18.2. of this By-Law shall constitute obstruction of an Animal Control Officer under Subsection 18.1. of this By-Law.

### **Section 19: Schedules**

- 19.1. The following Schedules are attached to and form part of this By-Law:

Schedule A – Permitted Animals

Schedule B – Breeder Requirements

Schedule C – Hen Regulations

Schedule D – Pigeon Keeping Regulations

Schedule E – Off-Leash Dog Area Regulations

Schedule F – Map of Designated Urban and Rural Area

### **Section 20: Offence And Penalty Provisions**

- 20.1. Every Person who contravenes any provision of this By-Law or whose Animal 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 fine of not more than One Hundred Thousand Dollars (\$100,000) and to any other applicable penalties.

- 20.2. Every Person who contravenes any provision of this By-Law or whose Animal contravenes any provision of this By-Law, and any Person who fails to comply with an order issued under this By-Law, shall, upon issuance of a Penalty Notice, be liable to pay to the City an Administrative Penalty, and the Administrative Process Penalty By-Law applies to each Administrative Penalty issued pursuant to this By-Law.
- 20.3. If a Person is required to pay an Administrative Penalty under Subsection 20.2. in respect of a contravention of this By-Law, the Person shall not be charged with an offence in respect of the same contravention.
- 20.4. In accordance with Subsection 398(2) of the *Municipal Act, 2001*, the treasurer of the City may add unpaid fees, charges and/or fines issued under this By-Law to the tax roll and collect them in the same manner as property taxes.
- 20.5. 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.

### **Section 21: TNVR Program**

- 21.1. The City may operate, or may enter into service agreements for the operation of programs that trap, neuter, vaccinate and return Feral Cats and stray Cats in the City of Kingston.

### **Section 22: Validity**

- 22.1. 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.

### **Section 23: Short Title Of By-Law**

- 23.1. This By-Law may be cited as the “Animal Control By-Law”.

### **Section 24: Repeal Of By-Law Number 2004-144 And Transition Provisions**

- 24.1. By-Law Number 2004-144, “A By-Law to Regulate Animals”, as amended, is hereby repealed in its entirety as of the date this By-Law comes into force.

- 24.2. All prosecutions and other enforcement processes commenced under By-Law Number 2004-144, including, without limitation, all orders issued pursuant to By-Law Number 2004-144, which have not been completed on the day this By-Law comes into force shall be completed under By-Law Number 2004-144 as if it had not been repealed.

**Section 25: Commencement**

- 25.1. This By-Law comes into force on January 1, 2022.

**This By-Law was given third reading and passed on October 5, 2021**

**Please see Schedules A, B, C, D, E and F attached**

**Schedule A  
Permitted Animals**

1. Domestic Dogs;
2. Domestic Cats;
3. Domestic Rabbits;
4. Domestic ferrets;
5. Domestic birds, such as but not limited to, canaries, finches, parakeets, parrots, and cockatiels;
6. Hens, in accordance with Schedule C of this By-Law;
7. Pigeons, in accordance with Schedule D of this By-Law;
8. Rodents, such as but not limited to, rats, mice, gerbils, and hamsters;
9. Pot-bellied pigs kept as Domestic Animals and other mini pigs kept as Domestic Animals;
10. Sugar-gliders;
11. Hedge hogs;
12. Falcons, owls and similar birds where the Owner is licensed by the Ministry of Northern Development, Mines, Natural Resources and Forestry;
13. Reptiles, excluding snakes and all members of the order Crocodylia, that are non-venomous and do not reach an adult length greater than two (2) metres;
14. Snakes that are non-venomous, non-constricting, and do not reach an adult length greater than three (3) metres;
15. Tarantulas and other spiders that are non-venomous;
16. Amphibians, such as but not limited to, frogs, toads, newts and salamanders;
17. Domestic fish;
18. Livestock, in accordance with Section 11 of this By-Law;
19. Poultry, in accordance with Section 11 of this By-Law;

20. Ducks and geese kept on an Agricultural Property or in the Rural Area; and
21. An Animal deemed to be a service animal as provided for in the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13.

**Schedule B  
Breeder Requirements**

- A. A Person is not eligible for a Breeder permit or the renewal of a Breeder permit unless all of the following conditions are met:
1. The proposed use of the Property complies with the applicable Zoning By-Law;
  2. The Property complies with City of Kingston By-Law Number 2005-100, "A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston", as amended or replaced from time to time, and any other applicable by-laws;
  3. The Property conforms with all applicable laws, including but not limited to the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, the *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c. 13, and the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, all as amended or replaced from time to time;
  4. The Property is kept in a clean and sanitary condition at all times;
  5. Every Dog that has reached the age of six (6) months 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 six (6) months and that resides on the Property permanently has been registered in the City's Animal Identification System.
- B. Every Person who holds a Breeder permit shall comply with the following regulations at all times:
1. The Breeder must 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 an Animal Control Officer.
  2. The Breeder shall not sell or donate a Dog, Cat or Rabbit to a pet store in the City of Kingston.
  3. Every Breeder shall ensure that potential purchasers of Dogs, Cats and/or 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 an Animal Control Officer.

4. No Dog, Cat or Rabbit shall be sold, adopted or given away before eight (8) weeks of age.
5. 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 the species by Veterinarians.
6. The Breeder of Dogs and Cats shall provide a copy of the Animal's health certificate and vaccination records to its new Owner.
7. No female Dog, Cat or Rabbit shall be bred until it is certified healthy by a Veterinarian and is certified healthy to breed by a Veterinarian on an annual basis.
8. 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.
9. 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.
10. 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; and
  - g) an up-to-date certificate of health from a Veterinarian for the Dog or Cat.The Breeder shall retain a copy of such documentation for a period of seven (7) years from the date of the transaction and shall provide copies to an Animal Control Officer on demand.
11. 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.
12. The Breeder shall ensure that each Dog, Cat and Rabbit is provided with the following:
  - a) adequate food and water;

- b) appropriate medical attention;
  - c) adequate and appropriate resting and sleeping areas;
  - 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.
13. Every Breeder shall ensure that no Dog, Cat or Rabbit is kept in a crowded cage or room, in accordance with the Canadian Council on Animal Care (CCAC) standards.
14. Every Breeder shall ensure that every Dog, Cat or Rabbit that exhibits signs of distress or suffering will receive immediate care from a Veterinarian.
15. 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 the City of Kingston, and every Breeder shall ensure that all Dogs and Cats are microchipped.

**Schedule C  
Hen Regulations**

1. The keeping of Hens is only permitted in the following areas of the City of Kingston:
  - (a) on an Agricultural Property; or
  - (b) on a Residential Property,and no Person shall keep a Hen on a Residential Property without a valid Hen Coop permit issued in accordance with Section 7 of this By-Law.
2. If the applicant for a Hen Coop permit is a tenant of the Property, the applicant must obtain the Property owner's written consent to keep Hens on the Property and must provide a copy of such written consent to the Division if requested.
3. Any Person applying for a Hen Coop permit shall provide notification to the owners of all Properties abutting the applicant's Property of the applicant's intention to obtain a Hen Coop permit. Upon request, the applicant shall provide evidence satisfactory to the Division that such notification has been provided.
4. The following regulations apply to the keeping of Hens on a Residential Property:
  - (a) A maximum of six (6) Hens will be permitted on any Residential Property.
  - (b) All Hens kept on a Residential Property must be at least four (4) months of age.
  - (c) 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.
  - (d) Hen Coops and Hen Runs must be located at least 1.2 metres from the rear property line and at least 1.2 metres from any side property line of the Property on which the Hen Coop or Hen Run is located.
  - (e) Hen Coops and Hen Runs must be located at least 15 metres from any point of a school.
  - (f) Hen Coops and Hen Runs must be located at least 7.5 metres from any point of a church or business.

- (g) Hen Coops and Hen Runs must be located at least 3 metres from all windows and doors of Dwellings that are located on an abutting Property.
- (h) Hen Coops and Hen Runs are not permitted in any front yard or side yard, as those terms are defined in the Zoning By-Law.
- (i) In the event of any conflict between the terms of subsections (d) to (g) above and the terms of the Zoning By-Law that applies to the Property, the greater distance or setback shall prevail.
- (j) The Owner of the Hens must reside on the Property where the Hens are kept.
- (k) The 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.
- (l) Sales of eggs, manure and other products associated with the keeping of Hens are prohibited.
- (m) Hens shall be kept in their Coops between 9:00 p.m. and 6:00 a.m. each day.
- (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.
- (o) Stored manure shall be kept in an enclosed structure, such as a compost bin, in accordance with all applicable compost regulations, and no more than three (3) cubic feet of manure shall be stored at any one time.
- (p) Manure shall be disposed of in accordance with municipal by-laws.
- (q) No Owner shall cause or permit its Hen to persistently cluck.

**Schedule D**  
**Pigeon Keeping Regulations**

1. The keeping of Pigeons is only permitted in the following areas of the City of Kingston:
  - (a) on an Agricultural Property; or
  - (b) on a Residential Property that is at least one third (1/3) of an acre in size,  
  
and no Person shall keep a Pigeon on a Residential Property described in subsection (b) above without a valid Pigeon Loft permit issued in accordance with Section 7 of this By-Law.
  
2. The following regulations apply to the keeping of Pigeons on a Residential Property:
  - (a) The Owner of the Pigeons must reside on the Property where the Pigeons are kept.
  - (b) The maximum number of Pigeons that may be kept on any Residential Property is as follows:
    - (i) between November 1 in any one year to March 31 in the immediately following year, forty (40) Pigeons; and
    - (ii) between April 1 to October 31 in any one year, sixty (60) Pigeons.
  - (c) Pigeons shall only be bred for personal use by the Owner and shall not be sold for profit or gain.
  - (d) Every Person who holds a Pigeon Loft 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.
  - (e) Every Owner shall:
    - (i) be a member of a recognized Pigeon organization which is affiliated with a national Pigeon organization;
    - (ii) band their Pigeons with a metal or plastic leg band; and
    - (iii) register their Pigeon band numbers with an organization described in clause (i).

- (f) Every Owner shall keep their Pigeons in a Pigeon Loft that:
  - (i) is located in the rear yard of the Property;
  - (ii) is located at least 6 metres from any property line and at least 15 metres from any Dwellings on an adjacent Property;
  - (iii) provides for a minimum of 1.0 square metre of loft space for every ten (10) Pigeons and a maximum loft area of 10 square metres; and
  - (iv) is a maximum height of 5 metres.

In the event of any conflict between the terms of subsection (ii) above and the terms of the Zoning By-Law that applies to the Property, the greater distance or setback shall prevail.

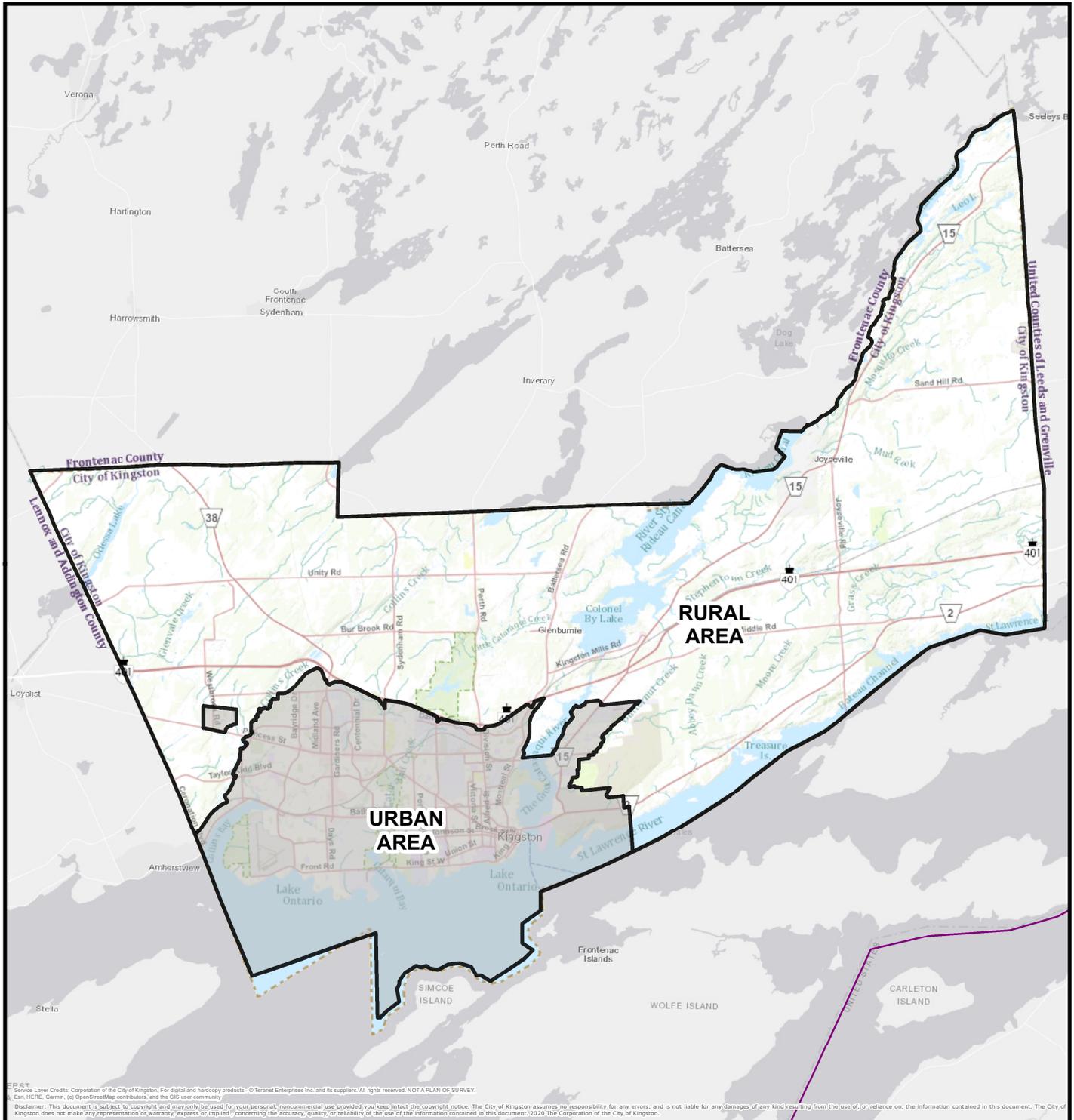
- (g) Every Owner shall maintain the Pigeon Loft:
  - (i) in a state of good repair at all times through regular maintenance; and
  - (ii) in a sanitary condition at all times, ensuring that all waste materials are disposed of in a manner that will not create a nuisance or public health hazard.
- (h) Every Owner shall store all Pigeon feed in a rodent proof container.
- (i) The Owner shall keep the Pigeons contained in the Pigeon Loft at all times, except during a maximum of two (2) daily flight periods in a twenty-four (24) hour period, at which time no more than half the total number of Pigeons being kept by the Owner on the Property shall be At Large at one time.
- (j) No Owner shall permit Pigeon flights between the hours of 9:00 a.m. and 5:00 p.m. between April 1 to September 30 in any one year, or between the hours of 10:00 a.m. and 3:00 p.m. between October 1 in any one year to March 31 of the immediately following year.
- (k) All Pigeon flights must be supervised by the Owner for the duration of the flight, other than a flight conducted by a recognized racing pigeon club.
- (l) The Owner shall take all reasonable steps to ensure the Pigeons do not perch, nest, roost, stray or rest upon any premises other than on the Property of the Pigeon Owner.

**Schedule E**  
**Off-Leash Dog Area Regulations**

1. Every Owner shall immediately remove any feces left by their Dog.
2. Every Owner shall keep their Dog Leashed until inside the gates of the off-leash dog area.
3. No Owner shall cause or permit an unvaccinated and/or unlicensed Dog to enter an off-leash dog area.
4. No Owner shall cause or permit a Dog that is in heat (female) or is sick or aggressive to enter an off-leash dog area.
5. No Owner shall have more than two (2) dogs under their control in the off-leash dog area.
6. Every Owner shall ensure any children under the age of twelve (12) are supervised by an adult while inside the off-leash dog area.
7. No Owner shall permit the use of choke, spike, chain or pinch collars on a Dog while in the off-leash dog area.
8. Every Owner shall maintain control of their Dog at all times.
9. Every Owner that enters an off-leash dog area with a pit bull shall ensure the pit bull is Muzzled at all times.

Report Number ARCP-009

Schedule F - Map of Designated Urban and Rural Area



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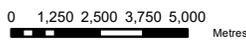
**Building and Enforcement Services**  
 a department of  
**Community Services**

**SCHEDULE 'A'**

**DESIGNATED URBAN AREA AND RURAL AREA**

**Legend**

-  Designated Rural Area
-  Designated Urban Area



Prepared By: lchu  
 Date: 2021-03-01

K:\D31\_Geographic Information Resources\Data Requests\2021\1D31-DR-002-2021 - Schedule B Designated Urban Area and Rural Area