



**City of Kingston
Report to Council
Report Number 25-067**

To: Mayor and Members of Council
From: Janet Jaynes, City Clerk
Resource Staff: Same
Date of Meeting: February 4, 2025
Subject: By-Law Amendments Required As a Result of Public Health Mergers

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

Kingston, Frontenac, Lennox & Addington Public Health, Hastings Prince Edward Public Health and Leeds, Grenville and Lanark District Health Unit merged to form the South East Health Unit effective January 1, 2025. Various City of Kingston by-laws that make reference to Kingston, Frontenac Lennox & Addington Public Health, or a derivation thereof, require administrative amendments to reflect the new public health entity.

The purpose of this report is to recommend that Council give all three readings to an amending by-law that will update references in existing by-laws from Kingston, Frontenac Lennox & Addington Public Health, or a derivation thereof, to South East Health Unit.

Recommendation:

That the by-law attached as Exhibit A to Report Number 25-067, be given all three readings on February 4, 2025, in order to ensure that City of Kingston by-laws correctly identify the South East Health Unit.

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Authorizing Signatures:

ORIGINAL SIGNED BY CITY CLERK

Janet Jaynes, City Clerk

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Background**

Listed below are by-laws that reference KFL&A Public Health and details of the amendments required to each to correctly identify the new entity, South East Health Unit.

1. By-Law Number 2005-100, A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston

Amendment to the definitions section to reflect that “Medical Officer of Health” means the Medical Officer of Health for the South East Health Unit.

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

Amendments in Schedules A-3 - Amusement Arcades; F-1 – Food Services Premises; L-1 – Lodging Houses; M-1 - Meat and Fish Sales; R-1 - Refreshment Vehicles; S-1 – Salons; S-2 - Specific Days Sales and / or Purchases; S-3 - Specific Location Sales; T-1 – Theatres; T-2 - Tobacco Sales; and AE-1 - Adult Entertainment Establishments to reflect that applications shall be circulated to South East Health Unit.

3. By-Law Number 2018-173, A By-Law To Regulate Smoking and Vaporizing in Public Places and Enclosed Workplaces in the City of Kingston

Amendment to Section 3.1 to reflect that South East Health Unit is responsible for the administration and enforcement of the by-law.

4. By-Law Number 2021-10, A By-Law to License and Regulate Short-term Rentals in the City of Kingston

Amendment to 6.1 c. iv) to reflect that a license shall not be renewed when the lot and/or building in which the Short-term Rental is situated is subject to an order, or orders, made pursuant to (or by) South East Health Unit.

5. By-Law Number 2021-166, A By-Law to Regulate Animals

Amendment to Section 7.2 to reflect that every kennel, breeder, hen coop, or pigeon loft permit application is circulated to South East Health Unit.

Financial Considerations

None.

Contacts:

Janet Jaynes, City Clerk, 613-546-4291 extension 1262

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Other City of Kingston Staff Consulted:

Alan McLeod, Senior Legal Counsel & Deputy City Solicitor

Blair Johnson, Manager, Corporate Records & Information

Derek Ochej, Deputy City Clerk

Exhibits Attached:

Exhibit A – By-Law to Amend Various City of Kingston By-Laws in order to correctly identify the South East Health Unit

City of Kingston By-Law Number 2025–...

By-Law to Amend Various City of Kingston By-Laws in order to correctly identify the South East Health Unit

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On January 1, 2025 the Kingston, Frontenac, Lennox & Addington Public Health, Hastings Prince Edward Public Health and Leeds, Grenville and Lanark District Health Unit merged to form the South East Health Unit.

Various City of Kingston by-laws make reference to Kingston, Frontenac Lennox & Addington Public Health, or a derivation thereof.

On May 17, 2005, council for the *City* (“**council**”) enacted *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*.

On September 19, 2006, council for the *City* (“**council**”) enacted *By-Law Number 2006-213, “A By-Law to License, Regulate and Govern Certain Businesses”*.

On November 20, 2018, council for the *City* (“**council**”) enacted *By-Law Number 2018-173, “A By-Law To Regulate Smoking and Vaporizing in Public Places and Enclosed Workplaces in the City of Kingston”*.

By-Law to Amend Various City of Kingston By-Laws in order to correctly identify the South East Health Unit.

On January 12, 2021, council for the City ("**council**") enacted *By-Law Number 2021-10, "A By-Law to License and Regulate Short-term Rentals in the City of Kingston"*.

On October 5, 2021 council for the City ("**council**") enacted *By-Law Number 2021-166, "A By-Law to Repeal and Replace By-Law Number 2004-144, "A By-Law to Regulate Animals"*.

Council considers it necessary and desirable for the public to amend *City of Kingston By-Law Numbers 2005-100, 2006-213, 2018-173, 2021-10 and 2021-166*.

Therefore, *council* enacts:

1. Amendment

1.1 *Effective January 1, 2025, City of Kingston By-Law Number 2005-100 is amended as follows:*

By deleting the Definition "**Medical Officer of Health**" in its entirety and replacing it with the following:

"Medical Officer of Health" means the Medical Officer of Health for the South East Health Unit;

1.2 *Effective January 1, 2025, City of Kingston By-Law Number 2006-213 is amended as follows:*

By deleting, "KFL&A Public Health" in Schedules A-3 - Amusement Arcades; F-1 - Food Services Premises; L-1 - Lodging Houses; M-1 - Meat and Fish Sales; R-1 - Refreshment Vehicles; S-1 – Salons; S-2 - Specific Days Sales and / or Purchases; S-3 - Specific Location Sales; T-1 – Theatres; T-2 - Tobacco Sales; and AE-1 - Adult Entertainment Establishments, and replacing it with "South East Health Unit"

1.3 *Effective January 1, 2025, City of Kingston By-Law Number 2018-173 is amended as follows:*

Deleting Section 3.1 in its entirety and replacing it with:

3.1 The City and the South East Health Unit are responsible for the administration and enforcement of this By-Law.

1.4 *Effective January 1, 2025, City of Kingston By-Law Number 2021-10 is*

By-Law to Amend Various City of Kingston By-Laws in order to correctly identify the South East Health Unit.

amended as follows:

By deleting Section 6.1 c. iv) in its entirety and replacing it with the following:

iv) South East Health Unit

- 1.5 *Effective January 1, 2025, City of Kingston By-Law Number 2021-166 is amended as follows:*

Deleting Section 7.2 in its entirety and replacing it with the following:

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, South East Health Unit, Kingston Humane Society (or the applicable Pound services provider), and an Animal Control Officer for comments.

- 1.6 Effective as of January 1, 2025, all other references in any City of Kingston bylaw to Kingston, Frontenac Lennox & Addington Public Health, or a derivation thereof in any City of Kingston by-law is deemed to be a reference to the South East Health Unit mutatis mutandis.
- 1.7 Effective as of January 1, 2025, all continuing substantive rights, powers, liabilities and obligations of Kingston, Frontenac Lennox & Addington Public Health under any City of Kingston by-law are deemed to continue in and transfer to the South East Health Unit.

2. Coming into Force

- 2.1 This by-law will come into force and take effect on the day it is passed.

By-Law to Amend Various City of Kingston By-Laws in order to correctly identify the South East Health Unit.

1 st Reading	February 4, 2025
2 nd Reading	February 4, 2025
3 rd Reading	February 4, 2025
Passed	February 4, 2025

Janet Jaynes
City Clerk

Bryan Paterson
Mayor