



DISTRICT OF PORT HARDY

BYLAW NO. 1033-2014

A Bylaw to Amend the Animal Care and Control Bylaw

WHEREAS the Council of the District of Port Hardy deems it expedient to amend Animal Care and Control Bylaw No. 11-2012;

NOW THEREFORE, the Council of the District of Port Hardy, in open meeting assembled, enacts as follows:

PART 1 CITATION

1.1 This Bylaw shall be cited as "District of Port Hardy Animal Care and Control Bylaw Amendment Bylaw No. 1033-2014".

PART 2 AMENDMENTS

2.1 District of Port Hardy Animal Care and Control Bylaw No. 11-2012 is hereby amended as follows:

- a) The definition "Animal Control Officer" in section 2.1 is hereby deleted and replaced with the following new definition "Animal Control Officer":

"Animal Control Officer means the person or persons or company designated by the Council of the District of Port Hardy to administer and enforce the regulations of this Bylaw, including those matters pertaining to operation of the District of Port Hardy's Animal Shelter."

- b) The definition "Animal Shelter" in section 2.1 is hereby deleted and replaced with the following new definition "Animal Shelter":

"Animal Shelter means the facility / property designated by the District of Port Hardy, which is used for the temporary housing and care of animals pursuant to this Bylaw, including animals that have been impounded."

- c) The definition "Bylaw Enforcement Officer" is hereby added to section 2.1 as follows:

"Bylaw Enforcement Officer means the Municipal Inspector of the District of Port Hardy, a position authorized by the District to enforce the District of Port Hardy's bylaws including this Bylaw."

- d) The definition "Inspector" in section 2.1 is hereby deleted.

- e) The definition of "Dangerous dog" in section 2.1 is hereby deleted and replaced with the following new definition of "Dangerous Dog":

"Dangerous Dog means any dog that:

- i) has killed or seriously injured a person; or
- ii) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the owner or person responsible for the dog; or
- iii) an Animal Control Officer, Bylaw Enforcement Officer or Peace Officer has reasonable grounds to believe is likely to kill or seriously injure a person."

- f) Section 6.1 is hereby deleted and replaced with the following new section 6.1:

"An Animal Control Officer, Bylaw Enforcement Officer or Peace Officer may seize and deliver to the Animal Shelter:

- a) A dog or cat at large;
- b) A dog that is not licenced as per the provisions of section 3. herein; and,
- c) A dangerous dog as per section 8. herein."

- g) Section 6.2 is hereby deleted and replaced with the following new section 6.2:

"A dog or cat seized pursuant to section 6.1 shall be considered impounded at the time and place it comes under the control of the Animal Control Officer, Bylaw Enforcement Officer or Peace Officer."

- h) Section 6.3 is hereby deleted and replaced with the following new section 6.3:

"The Animal Control Officer shall make all reasonable efforts to determine the identity of the owner of a dog or cat that has been impounded, and to inform the owner that the animal has been impounded."

- i) Section 8.1 is hereby deleted and replaced with the following new section 8.1:

"The classification of a dog as a dangerous dog may be undertaken by an Animal Control Officer, Bylaw Enforcement Officer or a Peace Officer. An owner of dog that has been declared a dangerous dog will be contacted promptly upon classification as such."

- j) Section 8.3 is hereby deleted and replaced with the following new section 8.3:

"An Animal Control Officer, Bylaw Enforcement Officer or a Peace Officer may take the necessary steps to enter on any premises and seize and impound a dangerous dog and may apply to the Provincial Court within 21 days of impoundment of the dangerous dog for an order that the dangerous dog be destroyed."

- k) Section 8.13 is hereby deleted and replaced with the following new section 8.13:

"Except where an Animal Control Officer, Bylaw Enforcement Officer or Peace Officer has made an application to the Provincial Court for an order that a dangerous dog be destroyed, or the Animal Control Officer has determined that the dangerous dog suffers from rabies or other incurable disease and is to be destroyed, or the dangerous dog is in isolation after having bitten a person or domestic animal, the owner of a dangerous dog impounded pursuant to this Bylaw may reclaim such dangerous dog at any time before its destruction, on application to the Animal Control Officer. The applicant must show proof of ownership of the dangerous dog, make payment of all fees, costs and charges incurred in respect of the seizure and impoundment, boarding or maintenance, together with any applicable licensing."

- l) The word "Inspector" in Section 16.1o) is hereby deleted and replaced with the words "Bylaw Enforcement Officer".

- m) Section 16.8b) is hereby deleted and replaced with the following new section 16.8b) as follows:

"make available the register to the Bylaw Enforcement Officer or a Peace Officer for inspection at all reasonable times; and,"

- n) The word "Inspector" in Section 18.3b) is hereby deleted and replaced with the words "Bylaw Enforcement Officer".
- o) Section 18.7b) is hereby deleted and replaced with the following new section 18.7b) as follows:

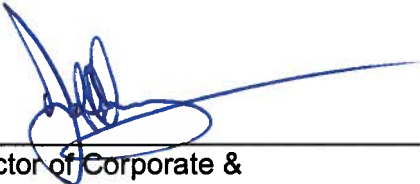
"make available the register to the Bylaw Enforcement Officer or a Peace Officer for inspection at all reasonable times."

PART 3 SEVERABILITY

3.1 If any portion of this Bylaw is for any reason held invalid by the decision of a court of competent jurisdiction, then the invalid portion shall be severed from this Bylaw and such decision does not affect the validity of the remaining portion of this Bylaw.

Read a first, second and third time on the 9th day of September, 2014.

Adopted on the 14th day of October, 2014.



Director of Corporate &
Development Services



Deputy Mayor

Certified a true copy of
Bylaw No. 1033-2014 as adopted.



Director of Corporate & Development Services