



DISTRICT OF PORT HARDY

AGENDA REGULAR MEETING OF COUNCIL 7:00 PM TUESDAY, JUNE 26, 2012

MUNICIPAL HALL COUNCIL CHAMBERS

Mayor: Bev Parnham
Councillors: Janet Dorward, Jessie Hemphill, Al Huddleston, Rick Marcotte,
Nikki Shaw, John Tidbury

Staff: Rick Davidge, Chief Administrative Officer
Gloria Le Gal, Director of Corporate Services
Deb Clipperton, Director of Financial Services
Trevor Kushner, Director of Operations

**DISTRICT OF PORT HARDY
AGENDA FOR THE REGULAR MUNICIPAL COUNCIL MEETING
7:00 pm TUESDAY JUNE 26, 2012
Council Chambers - Municipal Hall**

A. CALL TO ORDER

Time:

B. APPROVAL OF AGENDA AS PRESENTED (or amended)

Motion required

1.

2.

C. ADOPTION OF MINUTES

1 1. The minutes of the Committee of the Whole Council Meeting held June 12, 2012.

2-7 2. The minutes of the Regular Council Meeting held June 12, 2012.

Motion required

1.

2.

D. DELEGATIONS AND REQUEST TO ADDRESS COUNCIL

Presentation: Mayor Parnham - Certificates of Appreciation

E. BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS

8 Council Action items. For information.

F. CORRESPONDENCE

9-10 1. Hon. Keith Ashfield, Minister of Fisheries & Oceans (June 7/12) re: Recreational Harvesting Opportunities for wild Coho salmon in Area 12. For information.

11 2. Hon. Mary McNeil, Minister of Children and Family Development (June 11/12) re: Thank you for meeting. For information.

11-A 3. Ben York A/Inspector, West Coast Region, Conservation Officer Service (June 20/12) re: Deployment of conservation officers. For information.

G. NEW BUSINESS

1. Filomi Days Society - Request for funds for fireworks.

Motion / direction

1.

2.

H. COUNCIL REPORTS

Verbal reports from Council members.

I. COMMITTEE REPORTS

No Committee Reports in agenda package.

J. STAFF REPORTS

1. 2011 Annual Report, as per Sec.98 of the *Community Charter*. (separate handout)

Motion to accept.

1.

2.

- 12-15 2. R. Davidge, Chief Administrative Officer (June 15/12) re: North Island Community Forest Annual Allowable Cut Expansion.

Motion / direction 1. 2.

- 16 3. G. Le Gal, Director Corporate Services (June 22/12) re: Review of Woodstove and Chimney Inspection Rates.

Motion / direction 1. 2.

- 17 4. G. Le Gal, Director Corporate Services (June 22/12) re: Open burning and Smoke Control Bylaw.

Motion / direction 1. 2.

K. CURRENT BYLAWS AND RESOLUTIONS

- 18-33 1. District of Port Hardy Animal Care and Control Bylaw 11-2012 for Adoption.

Motion required 1. 2.

- 34 2. Memo from G. Le Gal, Director Corporate Services re: Municipal Ticketing Bylaw Amendment.

- 35-39 District of Port Hardy Municipal Ticket Information System Amendment Bylaw 13-2012 for First, Second and Third Reading.

Motion required 1. 2.

- 40 3. Memo from G. Le Gal, Director Corporate Services re: Placement of Manufactured Homes.

- 41 District of Port Hardy Zoning Amendment Bylaw 14-2012. For First and Second Reading.

Motion required

L. PENDING BYLAWS

Neighbourhood zero emission vehicles.

M. INFORMATION AND ANNOUNCEMENTS

June 27 Operational Services Committee Meeting 1:00 pm Council Chambers
June 28 Occupational Health & Safety Committee 8:30 am Council Chambers
July 10 Regular Council Meeting 7:00 pm Council Chambers
July 17-24 Numata delegation in Port Hardy
July 20-22 Filomi Days - A Royal Celebration !
July 25 Operational Services Committee 9:00 am Council Chambers

N. NOTICE OF IN-CAMERA MEETING

No In-Camera Meeting scheduled at this time.

O. ADJOURNMENT

1. Time:

DISTRICT OF PORT HARDY
MINUTES OF THE COMMITTEE-OF-THE-WHOLE MEETING
HELD ON JUNE 12, 2012

CALL TO ORDER: Mayor Parnham called the meeting to order. Time: 5:30 pm

PRESENT: Mayor Parnham
Councillors Dorward, Hemphill, Huddleston, Marcotte, Shaw, Tidbury

ALSO PRESENT: Rick Davidge, Chief Administrative Officer
Gloria Le Gal, Director of Corporate Services

Media: None

Citizens: None

C2012-004
APPROVAL OF
AGENDA

APPROVAL OF AGENDA

Moved/Seconded/Carried
THAT the agenda be approved as presented.

PRESENTATION

1. Dr. Jan Lindsay, President and CEO, North Island College and Karsten Henriksen, Associate Regional Director, Mount Waddington Regional Campus of North Island College.

Dr. Lindsay discussed North Island College strategies and objectives. Discussion centered on the Mount Waddington Regional Campus and benefits of leasing vs ownership in partnership with others.

Karsten Henriksen discussed the Extension Model which permits holding classes throughout the region. The College has signed a Letter of Understanding with School District 85 and a Memorandum of Understanding with Namgis First Nation and are working on a Memorandum of Understanding with Gwa'sala-'Nakwaxda'xw First Nations.

Dual admission permits concurrent admission in both North Island College, and the University of Victoria, Emily Carr University of Art & Design or Royal Roads University.

There was extensive discussion on the programs provided by North Island College. The English as a Second Language funding application is moving forward and the College has identified 35 prospective learners.

Council rose.

Time: 6:35 pm

CERTIFIED CORRECT

APPROVED

DIRECTOR OF
CORPORATE SERVICES

MAYOR

MINUTES OF THE DISTRICT OF PORT HARDY
REGULAR MEETING OF COUNCIL JUNE 12, 2012

CALL TO ORDER: Mayor Bev Parnham

Time: 7:00 pm

PRESENT: Mayor Parnham Deputy Mayor, Councillors Dorward, Hemphill, Huddleston, Marcotte, Shaw, Tidbury

REGRETS:

ALSO PRESENT: Rick Davidge, Chief Administrative Officer
Gloria Le Gal, Director Corporate Services
Deb Clipperton, Director Financial Services
Leslie Driemel, Recording Secretary

Media: N.I. Gazette

Citizens: 1

2012-131
APPROVAL OF AGENDA
AS PRESENTED

APPROVAL OF AGENDA

Moved/Seconded/Carried
THAT the agenda be approved as presented.

ADOPTION OF MINUTES

1. The minutes of the Regular Council Meeting held May 22, 2012.

Councillor Shaw requested the minutes be amended under Council Reports to:
Deputy Mayor Shaw reported on:

- Attending the meeting of the Health Network Steering Committee and a meeting of the Executive of the Steering Committee.
- Stepping down as Chair for the Health Network Housing and Homelessness Committee and stepping down from the Executive of the Health Network Steering Committee.

Councillor Shaw continues to sit as Port Hardy's representative to the Housing and Homelessness Committee and as a member of the Steering Committee.

Moved/Seconded/Carried
THAT the minutes of the Regular Council Meeting held May 22, 2012 be approved as amended.

DELEGATIONS

1. No Delegations

BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS

1. Council action items were received as information.

2012-132
MINUTES OF THE
REGULAR COUNCIL
MEETING MAY22, 2012
APPROVED AS
AMENDED

CORRESPONDENCE

1. Honourable James Moore, P.C., M.P., Minister of Canadian Heritage & Official Languages (May 23/12) re: Approval of \$2,000 Celebrate Canada program grant for was received as information.
2. North Island College
 - a. Dr. Jan Lindsay, President and CEO, North Island College (May 24/12) re: Award to North Island College for an Industrial Research Chair position was received as information.
 - b. Karsten Henriksen, Associate Regional Director, Mount Waddington Region, North Island College (May 31/12) re: Appointment of Kathleen Nelson to Board of Governors was received as information.

Mayor Parnham advised she has asked Kathleen Nelson to attend an upcoming Council meeting.

3. Randy Strandt, President, Royal Canadian Marine Search and Rescue (May 24/12) re: Name change for the Canadian Coast Guard Auxiliary-Pacific to Royal Canadian Marine Search and Rescue (RCM_SAR) was received as information.

Mayor Parnham commented on the recent tragic death of two Canadian Coast Guard Auxiliary-Pacific volunteers during a training exercise in Sechelt, BC.

4. Sheila Pither, Secretary-Treasurer, Council of Senior Citizens' Organization of BC (May 25, 2012) re: District of Port Hardy representative at national conference October 1-2, 2012 in Richmond BC was received as information.

Mayor Parnham requested Councillor Marcotte review the conference details and consider attending the event.

5. Brenda McCorquodale, Competition Secretary, Mt. Waddington Highland Dance Association (May 27/12) re: Request for donation of 300 pins.

Moved/Seconded/Carried

THAT the request by the Mt. Waddington Highland Dance Association for 300 pins be approved.

6. Robyn Anderson, City Clerk, City of North Vancouver (May 31/12) re: Protection of Fish Habitat in Waterways was received as information.
7. Joe Stanhope, President, AVICC (June 5/12) re: Letters of Support to BC Utilities Commission for FortisBC's Common Rates, Amalgamation and Rate Design Application was received as information.

Mayor Parnham commented that the FortisBC issue is not relevant to Port Hardy as there is no natural gas supply to our area.

2012-133
MT. WADDINGTON
HIGHLAND DANCE
ASSOCIATION FOR PINS
APPROVED

8. Jim Standen, Co-Chair, Tsunami Debris Coordinating Committee, Assistant Deputy Minister, Environmental Protection Division, Ministry of Environment (May 30, 2012) re: Planning for Tsunami Debris arrival was received as information.
9. Michael McGee, Manager, Policy and Communications Passenger Transportation Board (May 29/12) re: Municipal Advisory re: Taxi Rate Changes in BC was received as information.
10. Paul Manson, President & CEO Sea Breeze Power Corp. (June 4/12) re: News release, Start of Construction was received as information.

Council was advised of the Cape Scott Wind Farm Open House on Thursday June 14, 2012 from 4:00 to 7:00 pm at Providence Place.

11. Mayor Dan Ashton, City of Penticton (May 30/12) re: Thank you for participating in 2012 BC Mayors' Caucus May 17-18, 2012 was received as information.

Mayor Parnham advised Council that some of the issues discussed at the Mayors' Caucus included downloading to local government, grant funding, application processes and timelines as well as the FAIR Deal distribution of oil and gas revenues.

12. John Tidbury, Port Hardy Lions Club, (June 6/12) re: Request for Mayor Parnham to participate in the Filomi Days parade on Saturday July 21, 2012 was received as information.

Mayor Parnham will advise Councillor Tidbury on her availability during the Filomi Days weekend.

NEW BUSINESS

No new business

COUNCIL REPORTS

Councillor Tidbury reported on:

- Attending the very successful Public Works Open House on May 25 and advised the Public Works crew and EPCOR did an excellent job.
- Attending a meeting with the Hon. Mary McNeill, Minister of Children and Family Development and ministry staff members.
- Attending a meeting with Bella Bella Economic Development and Heiltsuk College representatives.
- Attending Oceans Day at Rotary Park.

Councillor Huddleston reported on:

- Attending Island Coastal Economic Trust meetings.
- Attending Regional District of Mt. Waddington Committee meetings.
- A recent meeting of coastal Regional District Chairs and reviewed their requests to Minister Lekstrom and the Premier for a meeting to discuss issues in the recent report by the BC Ferry Commissioner.

Councillor Hemphill reported on:

- Attending the Port Hardy Twinning Society meeting, advised that plans for the delegation from Numata are progressing and that van drivers may be needed for different events. Councillors Marcotte, Tidbury and Huddleston advised they may be available to drive depending on their schedules.
- Attending the Port Hardy Heritage Society meeting and advised the 30 year anniversary of the Society is coming up in August. Council was advised of ongoing discussions with the Royal British Columbia Museum regarding the return of Bear Cove artifacts and future loans of artifacts from them.

Councillor Dorward reported on:

- Attending the Vancouver Island North Woodlands Advisory Group meeting and advised the speaker's topic was on caves on the North Island. Council was advised that there are many caves in the area and that most locations are not widely known.
- Attending the BC Recreation and Parks Association Conference in May and advised it was very well done. Emphasis was on the importance to combat obesity by having infrastructure and programs in place for physical activity that is affordable and accessible for all ages and abilities. Invasive species and the need for awareness and education about them another was another discussion topic.

Council members discussed the invasive species presentation at the BC Rural Network conference and having a delegation come and speak to Council on the issue.

Councillor Marcotte reported on:

- Attending the Public Works Open House and the great job done by all the Public Works and EPCOR Staff.
- Attending Oceans Day and advised it was very well organized and fun for all attending.
- The need for directional signage for trails, beaches and short hikes around town.

Councillor Shaw reported on:

- Attending the Health Network Steering Committee meeting and advised that emergency room closures are not anticipated for the summer, that a partnership is being developed between BC Ambulance Service, Hospice and the Regional District of Mt. Waddington and two more nurse practitioners are on the North Island.
- Attending a recent Vancouver Island Regional Library Board meeting.
- National Aboriginal Day on June 22, 2012 and advised that there are lots of events and activities planned.

Mayor Parnham reported on:

- Attending the Vancouver Island University Conference on Douglas Treaties and advised it was well attended by First Nations and government representatives, was informative and that the treaty process will probably move forward very quickly.
- Attending the BC Mayors' Caucus and advised that it was an excellent opportunity to discuss local government issues.

- Attending Island Coastal Economic Trust Board meetings and advised the Board will be asking the Provincial Government for \$150 million in funding.
- Attending a teleconference with Vancouver Island Health Authority Local Working Group and advised that the Local Working Group met with the Vancouver Island Health Authority Board and Chief Administrative Officer and emphasized to them the urgent emergency care situation on the North Island and the need to resolve the issues.
- Attending a meeting with the Hon. Mary McNeill, Minister of Children and Family Development, Deputy Minister Steve Brown and Valerie Richmond, Ministerial Assistant with discussion on the Poverty Plan pilot project. The Mayor was advised that currently there is no manager on the North Island for the Ministry of Children and Family Development.
- Attending a meeting with Bella Bella Economic Development and Heiltsuk College representatives.
- Attending the Port Hardy Secondary School graduation ceremony and advised the District of Port Hardy Community Spirit Scholarship was awarded to Benjamin Wilson, class valedictorian.

COMMITTEE REPORTS

No Committee reports.

STAFF REPORTS

1. Accounts Payable for the month of May 2012 was received as information.
2. G. Le Gal, Director Corporate Services (June 5/12) re: Deputy Mayor Appointments.

Moved/Seconded/Carried

THAT the Deputy Mayor appointments be amended as follows:

June 1, 2012 - November 30, 2012	Councillor Tidbury
December 1, 2012 - May 31, 2013	Councillor Huddleston

3. D. Clipperton, Director Financial Services (June 7/12) re: General Strategic Priorities Fund Sustainable Rainwater Resource Management.

Moved/Seconded/Carried

THAT the Council of the District of Port Hardy approve the submission of a grant to the General Strategic Priorities Fund in the amount of \$2,202,484 for the rainwater management system on Byng Road (\$910,180), Beaver Harbour Road (\$509,304), Peel Street \$382,800 and Bronze Road (\$400,200).

4. R. Davidge, Chief Administrative Officer (June 7/12) re: Fire Safety Inspections.

Moved/Seconded/Carried

THAT SCM Risk Management Services be contracted to complete fire safety inspection services under the *Fire Services Act* for those buildings listed on Schedule "C" of the draft contract; and THAT the Municipal Inspector and Director of Corporate Services be the prime contacts for the contractor.

2012-134
AMEND DEPUTY MAYOR
APPOINTMENTS

2012-135
APPLICATION TO GSPF
FOR RAINWATER
MANAGEMENT SYSTEM
ON BYNG RD, BEAVER
HARB. RD & BRONZE RD.

2012-136
CONTRACT SCM RISK
MANAGEMENT
SERVICES FOR FIRE
SAFETY INSPECTIONS

BYLAWS

2012-137
BYL 09-2012 VACANT
PROPERTY ADOPTED

1. District of Port Hardy Vacant Property Bylaw 09-2012. For Adoption

Moved/Seconded/Carried
THAT the District of Port Hardy Vacant Property Bylaw 09-2012 be adopted.

2. District of Port Hardy User Rates and Fees for 2012 Amendment Bylaw 10-2012. For Adoption.

Deb Clipperton, Director of Financial Services reviewed the changes in the water on/off fees in the bylaw.

2012-138
BYL 10-2012 USER
RATES AND FEES FOR
2012 AMENDMENT
ADOPTED.

Moved/Seconded/Carried
THAT the District of Port Hardy User Rates and Fees for 2012 Amendment Bylaw 10-2012 be adopted.

3. District of Port Hardy Animal Care and Control Bylaw 11-2012. For Adoption.

Request by G. Le Gal, Director Corporate Services to rescind Third Reading in order to amend Section 4.8 to read ".....pursuant to Section 4.4..."

2012-139
BYL 11-2012 ANMAIL
CARE & CONTROL
THIRD READING
RESCINDED

Moved/Seconded/Carried
THAT the Third Reading of the District of Port Hardy Animal Care and Control Bylaw 11-2012 be rescinded.

2012-140
AMEND BYL 11-2012
SECTION 4.8

Moved/Seconded/Carried
THAT District of Port Hardy Animal Care and Control Bylaw 11-2012 be amended as follows, Section 4.8 to read ".....pursuant to Section 4.4..."

2012-141
BYL 11-2012 ANMAIL
CARE & CONTROL
THIRD READING

Moved/Seconded/Carried
THAT District of Port Hardy Animal Care and Control Bylaw 11-2012 receive third reading as amended.

ADJOURNMENT

2012-142
ADJOURNMENT

Moved
THAT we adjourn.

Time: 7:50 pm

CORRECT

APPROVED

DIRECTOR OF
CORPORATE SERVICES

MAYOR

ITEM	ACTION – REGULAR MEETING OF JUNE 12, 2012	WHO	STATUS /COMMENTS
Highland Dance Assoc request for 300 pins	Request for 300 pins approved. Advise	GL	Done
D. Clipperton, re: re: General Strategic Priorities Fund grant application for Sustainable Rainwater Resource Management.	Approved. Submission of a grant to the General Strategic Priorities Fund for Sustainable Rainwater Resource Management. as presented. Apply for Grant	DC	Done
R. Davidge, CAO re: Fire Safety Inspections.	Approved. SCM Risk Management Services be contracted to complete fire safety inspection services as presented. Advise SCM and prepare contract.	GL	Done
ITEM	ACTION – REGULAR MEETING OF MAY 22, 2012	WHO	STATUS /COMMENTS
G. Le Gal, Director Corporate Services (May 17/12) re: Carnarvon Place Park	Remove equipment.	TK	Scheduled for removal June 18
	Prepare a report detailing all options for Council	TK	
D. Clipperton, Director Financial Services (May 17/12) re: 2012 Audited Financial Statements.	Draft 2011 Financial Statements accepted. Advise auditors	DC	Done
G. Wolden, Recreation Facility Foreman (May 17/12) re: Tender for Recreation Centre Whirlpool Construction.	All tenders rejected. Advise tender proponents. Review fibreglass option, VIHA requirements and time frame for approval and if possible tender and construct within this year.	GW & RD & DC	Second Approval received
ITEM	ACTION – REGULAR MEETING OF APRIL 24, 2012	WHO	STATUS /COMMENTS
R. Scott School/SD 85 Commercial rentals	Review zoning issues with the upcoming zoning bylaw review	GL	In progress
ITEM	ACTION – REGULAR MEETING OF MARCH 13, 2012	WHO	STATUS /COMMENTS
Sustainability Committee - recommendation for public consultation on neighbourhood zero emission vehicles	Refer to new Community Consultative Committee to do	GL	In progress



JUN 07 2012

JUN 13 2012

Her Worship Mayor Bev Parnham
District of Port Hardy
P.O. Box 68
7360 Columbia Street
Port Hardy, British Columbia
V0N 2P0

Dear Mayor Parnham:

Thank you for your correspondence of April 13, 2012, regarding recreational harvesting opportunities for wild coho salmon in Area 12.

Fisheries and Oceans Canada (DFO) appreciates the importance of the recreational fishery to your community, and continues to support the *Recreational Fisheries Vision* for a recreational fishery that provides broad social and economic opportunities; however, as you are aware, DFO must develop fishery management approaches consistent with *An Allocation Policy for Pacific Salmon*, in which the Department's first priority is the conservation of Pacific salmon stocks.

The status of the Interior Fraser coho salmon stock continues to be low. DFO's Pacific Region Integrated Fisheries Management Plan sets out the management approach in its fisheries to minimize impacts on coho and does not support increasing harvest in the Port Hardy area at this time. The Department assesses the status of stocks on a regular basis and adjusts management plans accordingly.

The number of tagged Interior Fraser coho currently released is about 10 percent of the rate in the early 1990s. As a result of these current tag rates, the detection of Interior Fraser coho with coded-wire tags is infrequent. However, DFO's previous studies indicate that these coho are caught in the recreational fishery in the Port Hardy area, primarily during the months of July and August.

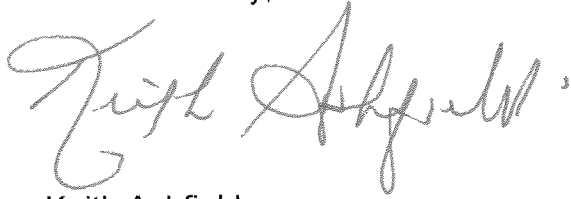
The Department recognizes that Port Hardy is in the most northerly region covered by the management measures protecting Interior Fraser coho, and accordingly, Port Hardy is the only South Coast area to enjoy wild coho retention in June and July, when coho retention in all other areas in the South Coast is closed.

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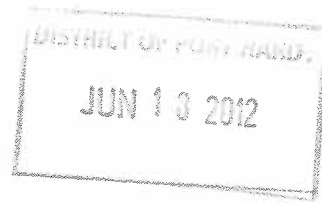
Updates to coho management measures are expected in 2013, when DFO completes a review on the status of Interior Fraser coho and an evaluation of hatchery-marked selective fisheries. The work done through the two science papers will inform the future management of South Coast coho. Changes to the fisheries are not planned until that information is available.

Thank you for taking the time to write.

Yours sincerely,

A handwritten signature in cursive script that reads "Keith Ashfield".

Keith Ashfield



June 11, 2012

Her Honour Bev Parnham
Mayor, Port Hardy
Councillors Rick Marcotte and John Tidbury
7360 Columbia St
Box 68
Port Hardy BC V0N 2P0

Dear Mayor Parnham and Councillors:

I wanted to thank you for taking time last Monday to meet with myself and my Deputy Minister to discuss B.C.'s community poverty reduction strategy. I am delighted to have Port Hardy participating in the initiative.

I appreciated hearing your concerns and getting your input on ways to improve the lives of those in your area living in difficult economic circumstances. It is a complex issue that affects all of us and we all play a role in finding solutions.

I was also very interested in learning about your region's economic development plans and I wish you every success in that area.

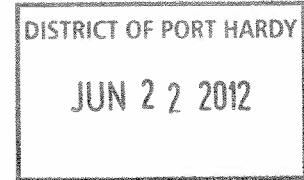
Thank you again for taking the time out of your busy day to host me.

Sincerely,

Mary McNeil
Minister



British Columbia



June 20, 2012

File: 31025-01

Her Worship Mayor Bev
Parnham and Councillors
District of Port Hardy
Box 68
7360 Columbia Street
Port Hardy BC V0N 2P0

Dear Mayor Parnham and Council:

I am writing to inform you of changes to the deployment of Conservation Officers in your area and how we will continue to provide you with the highest level of public safety and natural resource law enforcement service possible. This is a follow-up to my discussion with Chief Administration Officer Rick Davidge on June 19, 2012.

Conservation Officers on the North Island are currently managed using a "zone" concept with officers responding to complaints and concerns throughout the zone regardless of their geographic point of assemble. The North Island Zone of the Conservation Officer Service includes all of Vancouver Island north of Fanny Bay and is staffed with four general duty officers and one Sergeant (supervisor) for a total of five field positions. At present time, the Sergeant and two Conservation Officers are based out of our Black Creek office and two Conservation Officers are based out of the Port McNeill office.

One of the positions in Port McNeill became vacant in March 2012, due to the transfer of the incumbent officer. This vacancy prompted a review of the deployment of officers in the North Island Zone based on the location and type of complaints and calls for other service throughout the zone. We also took into consideration the safety and well being of our officers, the level of service that your community currently has, our partnerships with other public safety and natural resource agencies in the area and any strategies to effectively carry out our mandate throughout the zone.

At the conclusion of the review, the Conservation Officer Service decided to move the vacant position from Port McNeill to Black Creek. It is our belief that this move will provide the best level of service to the entire zone with the limited staffing resources available.

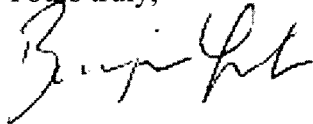
...2

11 A-1

I appreciate this may raise concern for you over our ability to respond to issues in your community. I assure you that we will continue to provide public safety and natural resource law enforcement services to you in a professional and timely manner. We continue to station a Conservation Officer in the Port McNeill office to respond to day-to-day concerns and provide emergency response in conjunction with our other agency partners. Also, as mentioned above, the North Island Zone is managed as a single unit and officers are dispatched as required. The Sergeant in charge of the zone will ensure that staff resources are utilized as efficiently as possible to ensure a high standard of service is maintained throughout the zone. The Sergeant can also draw on Provincial Quick Response Teams, the Provincial Investigations Branch and Conservation Officer Regional resources as required to address major incidents and concerns.

I appreciate your continued support for the Conservation Officer Service and would be pleased to answer any questions you may have. I would also like to offer my attendance before Mayor and Council if you would like to discuss the matter further in person.

Yours truly,



A/Inspector Ben York
West Coast Region
Conservation Officer Service



DISTRICT OF PORT HARDY MEMORANDUM

TO: Mayor and Council
FROM: Rick Davidge, Chief Administrative Officer
SUBJECT: North Island Community Forest - Annual Allowable Cut Expansion
DATE: June 15, 2012

Attached please find a copy of a letter the North Island Community Forest would like to send to the Minister of Forests, Lands and Natural Resource Operations.

The Mayor has asked for Council support and a resolution prior to signing. Both other community partners have agreed with the expansion request based on economies of scale and benefits to the communities.

Recommendation:

That the District of Port Hardy support the North Island Community Forest K3Z request for Apportionment within the Kingcome Timber Supply Area to expand the North Island CFA operating land base.

Rick Davidge,
Chief Administrative Officer

Attachment

North Island Community Forest Limited Partnership

Post Office Box 668
Port Hardy, B.C.
V0N 2P0

April 23, 2012

Honourable Steven Thomson
Ministry of Forest, Lands and Natural Resource Operations
Room 248
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Minister Thomson:

Re: North Island Community Forest K3Z Request for Apportionment within the Kingcome Timber Supply Area

The North Island Communities of Port Alice, Port Hardy and Port McNeill were presented an offer to apply for community forest tenure in January of 2011 by former Forest Minister Pat Bell. Since that time the communities have formed the North Island Community Forest Limited Partnership (NICF), appointed nine volunteer directors and been awarded a Community Forest Agreement (CFA) K3Z.

The original letter by Minister Bell offered an Annual Allowable Cut (AAC) of 15,000 cubic meters (m³) per year. A timber review of the CFA areas by forest professionals from the NICF concluded that the CFA area would not support an AAC of 15,000 m³/year. The AAC has been set at 10,400 m³/year with the intention that more area would be added to the CFA in the future.

This small AAC does not allow for economics of scale for harvesting operations. Currently we are looking at harvest activity within the CFA every 4-5 years which provides minimal employment and/or economic benefits to the communities. The current NICF AAC represents about 0.2% of the North Island-Central Coast Resource District AAC (in excess of five million m³/year).

In 2003 The Forest Revitalization Act reduced the AAC of major licenses by 20%. Half of this new available volume was intended for First Nations, Woodlots and Community Forest with the other half allocated to BC Timber Sales. In this Resource District the three CFA's have a combined AAC of only 60,000 m³ or only about 1.2% of the District AAC.

North Island Community Forest Limited Partnership

Several potential CFA expansion areas have been identified by NICF in the North Island-Central Coast Resource District (NICCRD) in proximity to existing CFA areas. These potential areas fall within the Kingcome Timber Supply Area (TSA) in which the NICF has no current apportionment.

Under section 10 (1) of the *Forest Act* apportionment decisions within a TSA falls under the direction of the Minister of Forests, Lands and Natural Resource Operations (MFLNRO).

The NICF would like to suggest three possible options for volume reapportionment for the NICF from the existing Kingcome TSA apportionments:

1. Non replaceable forest licence (NRFL) A83155 was awarded to the Da'Naxda'Xw First Nation in 2008 with a total licence volume of 46,800 m³. The licence is due to expire on March 19th of 2013. The licensee has already reached it's harvest volume limit under the licence. The replaceable apportioned AAC of 8,725 m³/year could be apportioned to the North Island Community Forest.
2. The North Island-Central Coast Resource District has awarded several woodlots in the past few years and still have unused apportionment. The unfilled woodlot apportionment in the Kingcome TSA is 9,371 m³/year. History has shown on the North Island that woodlots generally benefit an individual rather than the communities as a whole. If this apportionment was reapportioned to the NICF then the social and economic benefits would flow directly to the communities.
3. Both the woodlot and NRFL A83155 apportionments could go towards the NICF which would allow for increased flexibility and benefits for the local communities.

The NICF has already found a solution to the operating area issue. We have identified to the NICCRD chart slivers and areas within and adjacent to municipalities which are uncharted. We are the best group to operate in these areas due to our ties to the communities. No major licensees will be displaced.

The potential expansion of the North Island Community Forest was discussed recently at our Annual General Meeting in Port Hardy on February 4th, 2012. There was strong support from both elected officials and members of the public for any expansion which would directly benefit the local communities.

The CFA expansion would also be consistent with the Provincial Government's Forestry Roundtable Priority # 5 "Supporting Prosperous Rural Forest Economies".

NICF Directors have also been working with the local BC Timber Sales (Seaward-tlasta) staff and have received strong support from BCTS for expanding the Community Forest.

North Island Community Forest Limited Partnership

As such, we respectfully submit this letter to highlight our significant interest in acquiring apportionment in the Kingcome TSA and therefore expand the North Island CFA operating land base.

Should you have any additional questions, please do not hesitate to contact Gordon Glover, RPF at 250 956 2727 or email GordonGlover@telus.net.

Yours truly,

Mayor Jan Allen _____
Village of Port Alice

Mayor Bev Parnham _____
District of Port Hardy

Mayor Gerry Furney _____
Town of Port McNeill

pc: Sharon Hadway, Regional Executive Director, West Coast Operations, MFLNRO

Andrew Ashford RPF, District Manager, North Island- Central Coast Resource District, MFLNRO

Gordon Glover RPF, North Island Community Forest Limited Partnership



**DISTRICT OF PORT HARDY
INTEROFFICE MEMORANDUM**

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Review of Woodstove and Chimney Inspection Rates
DATE: 22 June, 2012

Further to our meeting with Councillors Marcotte and Tidbury, I confirm that Deb Clipperton and I have reviewed the current woodstove and chimney inspection rates in relation to the rates in other communities.

Recommendation

That the rate of \$75 for a woodstove and/or chimney inspection remain unchanged at \$75; and

That the rate be increased to \$80 in 2013.

Respectfully submitted,

I agree with the recommendation.

Gloria Le Gal, DCS

Rick Davidge, CAO



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Open Burning and Smoke Control Bylaw
DATE: 22 June, 2012


Further to our meeting with Councillors Marcotte and Tidbury, the following are recommended amendments to our current Open Burning and Smoke Control Bylaw.

1. Amend definition for *Category B Open Fire* to be a land clearing fire.
2. Add definitions for *Beach Fire* and *Ceremonial Fires* and permit them unless the Coastal Fire Centre bans campfires.
3. Category A and B fires will be permitted October 16 to April 15 provided there is not a Provincial fire ban within the Coastal Fire Centre.
4. Permit land clearing fires in a designated zone, stipulating that there must be 15 days between fires and a maximum of five per year.
5. The District, at its discretion, may require that Air Burners be used for a land clearing burn.
6. Burning for fire training purposes will be exempted from the Bylaw.
7. Review options for burning of mill waste.

Recommendation

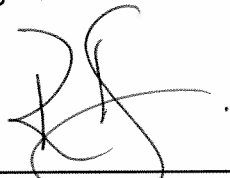
That Council approve drafting of an amended Open Burning and Smoke Control Bylaw.

Respectfully submitted,



Gloria Le Gal, DCS

I agree with the recommendation.



Rick Davidge, CAO



**DISTRICT OF PORT HARDY
BYLAW 11-2012**

**A Bylaw to Provide for the
Care and Control of Animals**

GIVEN THAT the District of Port Hardy wishes to regulate the care and the control of animals within the District;

The Council of the District of Port Hardy in open meeting assembled, ENACTS as follows:

PART 1

1. Title

- 1.1 This bylaw may be cited as the "District of Port Hardy Animal Care and Control Bylaw No. 11-2012".

2. Definitions

- 2.1 In this Bylaw, unless the context otherwise requires:

Animal means any member of the Kingdom Animalia excluding humans.

Animal Control Officer means the person or persons or company designated by the Council of the District of Port Hardy to administer the provisions and regulations of this bylaw and shall include the operator of the Animal Shelter.

Animal Shelter means the facility designated by the municipality, which is used for the temporary housing and care of animals that have been impounded pursuant to the Bylaw.

At large means an animal that is not on the property of the owner and that is not on a leash and/or under the control of a person responsible.

Business Licence means a licence issued by the District of Port Hardy under the provisions of the Business Licence Bylaw.

Cat means a male or female domesticated cat.

Cattery means any establishment which houses more than three cats or in which any number of cats are kept for breeding and/or boarding purposes.

Dangerous dog means any dog to which any of the following applies:

- i) that has killed or seriously injured a person;
- 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 person responsible for the dog; or
- iii) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

District means the Corporation of the District of Port Hardy.

Dog means a male or female domesticated dog.

Impervious means through which water will not pass.

Inspector means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided.

Kennel Commercial means a kennel specifically set up for boarding, breeding and training of dogs not owned by the kennel operator.

Kennel Hobby means a kennel where not more than three (3) dogs or cats are kept on the premises for breeding or showing purposes. The operator of the hobby kennel must reside on the property on which the hobby kennel is operated. There shall be no boarding or training of dogs not owned by the kennel operator or the property owner. One dog not owned by the hobby kennel operator or property owner may be kept in the hobby kennel for breeding or show purposes.

Kept means to be owned and to be provided with food and shelter.

Licence means a dog licence issued in accordance with the provisions of this bylaw.

Licensing Officer means a person appointed by the municipality for the purpose of processing and issuing licences under this bylaw.

Livestock Animals (Large) means, but is not limited to, dairy and beef cattle, bulls, goats, pigs, sheep, donkeys, mules, horses, ostriches, emus and cassowaries.

Livestock Animals (Small) means, but is not limited to, pigeons, chickens, rabbits, ducks, geese and other game birds.

Microchip means an FDX-B International Organized for Standardization (ISO) standard microchip and reader device implanted in an animal by, or under the supervision of, a veterinarian.

Muzzle means a device which covers or secures the mouth of an animal and is designed to prevent it from biting.

Neutered means the sterilization of a female animal by removing the ovaries or of a male animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

Open Air Run means an area used for exercising or airing dogs or cats.

Owner means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.

Peace Officer means a police officer, constable or other persons employed for the preservation and maintenance of the public peace.

Rodents include rats and mice.

Vermin includes fleas, lice, worms and other parasitic insects and animals.

Wildlife means wildlife as defined by the *BC Wildlife Act* and/or other animals indigenous to Canada whose ownership in captivity violates Provincial or Federal Canadian statutes.

PART 2 – ANIMAL CARE AND CONTROL

3. Licensing of Dogs

- 3.1 No person shall own or keep any dog aged eight months or more within the municipality unless such dog is licensed as provided by this bylaw.
- 3.2 The owner of a dog shall obtain an annual licence for such dog by paying the fee outlined in the District of Port Hardy Rates Bylaw on or before the first day of January in each year or upon their dog reaching the age of eight (8) months. Written proof of neutering is required in order to qualify for the neutered animal rate.
- 3.3 The owner shall ensure that any dog taken off the owner's property shall bear permanent identification in the form of a visible veterinary tattoo or identifiable microchip and shall cause the animal to wear around the neck a collar to which shall be attached the current licence tag issued for that dog by the municipality.
- 3.4 The licence fee will be fifty (50) percent after June 30th for any dog that is moved with its owner into the municipality or that is newly acquired by its owner after that date.
- 3.5 Dogs that are trained and required as a guide or for assistance to a disabled person shall be licensed but the licence fee shall be waived for such dogs.
- 3.6 No licence is required for a dog sojourning in the District for a period of less than one (1) month.
- 3.7 The municipality shall keep a complete registry of all licensed dogs indicating the dates of registration, the name and description of each dog and the name and address of each owner.
- 3.8 The owner of any licensed dog shall, within thirty days of the owner's change of address, notify the municipality of such change of address.
- 3.9 If a person becomes the owner of a dog after the first day of January in any year, that person must immediately apply for a licence or a transfer of a valid previously issued licence from the District and pay the applicable fee.
- 3.10 Every dog licence and tag issued under this bylaw expires on the 31st day of December of each year.

4. Responsibilities of Owners – Animal Control

- 4.1 No person shall own, keep, possess or harbour any dog or cat over the age of eight months in the District unless:
 - a) the animal has been neutered by a veterinarian; or
 - b) a Breeder holds a valid and subsisting business licence for the current licence year; or
 - c) the owner provides proof that the animal is a registered show animal.
- 4.2 As an exception to section 4.1, a Breeder who provides proof that their dog or cat is either too young for breeding purposes or too old or ill to be neutered may retain such animal without holding a current business licence.
- 4.3 An owner shall ensure his or her animal does not run at large within the municipality.
- 4.4 Notwithstanding section 4.3, a dog is not required to be on a leash while in a designated off-leash area as shown on Schedule A.
- 4.5 If an animal defecates on any public or private property other than the property of its owner, the owner shall remove such feces immediately.
- 4.6 An owner shall ensure his or her animal does not vocalize for longer than ten (10) consecutive minutes or in any manner which might reasonably disturb any person.
- 4.7 No owner of a dog shall permit his or her dog, without provocation, to:
 - a) chase, bite or attack any person or domesticated animal; or
 - b) cause damage to any property.
- 4.8 The owner or possessor of any dog that is lawfully not on a leash pursuant to section 4.4 shall:
 - a) keep the dog under control by verbal command at all times; and
 - b) ensure that the dog does not cause injury to any person or other animal or cause damage to any property.
- 4.9 No person shall own more than 3 dogs and 3 cats unless they are licensed as a cattery or dog kennel.

5. Responsibilities of Owner – Animal Care

- 5.1 An owner shall ensure his or her animal is provided with:
 - a) clean, potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
 - b) food and water receptacles that are kept clean and disinfected and located so as to avoid contamination by excreta;
 - c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and

- d) necessary veterinary care when such animal exhibits signs of pain, injury, illness or suffering.
- 5.2 An owner shall not keep an animal which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such animal is provided with an outdoor shelter:
- a) which has a total area that is at least twice the length of the animal in all directions and that also allows the animal to turn around freely and adopt normal resting postures;
 - b) which ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such animal;
 - c) which provides sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - d) which is regularly cleaned and sanitized and removed of excreta daily.
- 5.3 No owner shall keep his or her animal in an unsanitary environment.
- 5.4 For the purposes of section 5.3, an environment is considered unsanitary when it contains objects that may cause injury to any person or animal or where it contains an accumulation of fecal matter, an odour, insect infestation, rodent attractants or other conditions which endanger the health of any person or animal or which disturbs or are likely to disturb the enjoyment, comfort or convenience of any person or animal.
- 5.5 No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus or where a rope or cord is tied directly around the animal's neck.
- 5.6 No person may cause an animal to be hitched, tied or fastened to a fixed object for longer than six (6) hours within a 24 hour period.
- 5.7 No person may cause an animal to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.
- 5.8 No person may transport an animal in a vehicle outside the passenger compartment or in an uncovered passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

6. Impoundment

- 6.1 Any person may seize any dog or cat found at large and deliver it to the animal shelter.
- 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 Inspector, Animal Control Officer or a peace officer.

- 6.3 The Animal Control Officer shall:
- a) impound such dog or cat; and
 - b) make all reasonable efforts to determine the identity of the owner of such dog or cat and to inform such person that the animal has been impounded, whether the animal is alive or dead.
- 6.4 Any dog or cat impounded shall be provided with the basic animal care provisions described in section 5 of this bylaw and with the requirements set out in A Code of Practice for Canadian Kennel Operations (Canadian Veterinary Medical Association, 2007).
- 6.5 The animal shall remain impounded for a minimum of 72 hours (not including the date of impoundment, Sundays or Statutory Holidays) unless the animal is claimed by its rightful owner. If not claimed within that time, the animal shall become the property of the municipality and may:
- a) be adopted for such price as has been established under the District of Port Hardy Rates Bylaw, unless the animal is a dangerous dog; or
 - b) after reasonable attempts have been made to place the animal, be euthanized by a veterinarian.
- 6.6 During the impoundment period, if an animal is in critical distress, the Animal Control Officer shall follow the District of Port Hardy Critical Distress Policy. The animal's owner shall not be entitled to any compensation.
- 6.7 During the impoundment period, the Animal Control Officer shall:
- a) provide such veterinary care for an injured or ill impounded animal as may be necessary to sustain its life; and
 - b) be entitled to recover from the owner the cost of veterinary care provided while the animal was impounded, in addition to any other fees due to the municipality for redemption of the animal.
- 6.8 Notwithstanding any other provision of this bylaw, if it is found that any impounded animal is unduly dangerous, the Animal Control Officer may, in consultation with a veterinarian, destroy such animal if he is of the opinion that such animal constitutes a hazard. All reasonable attempts will be made to notify the owner, if known, prior to euthanizing the animal. The animal's owner shall not be entitled to any compensation.

7. Redeeming or Adopting an Animal

- 7.1 The owner of any impounded animal may redeem the animal from the Shelter upon proving ownership and paying to the Animal Control Officer:
- a) all unpaid and overdue dog licence fees and impoundment fees in accordance with the District of Port Hardy Rates Bylaw;
 - b) all fees payable for the care and feeding of the animal for each day the animal was impounded in accordance with the District of Port Hardy Rates Bylaw; and
 - c) all costs of treatment by a Veterinarian, together with any related travel costs, where an animal that has been seized or impounded is injured or ill and requires

veterinary treatment.

- 7.2 Before returning an impounded animal to its owner, the Animal Control Officer shall:
 - a) ensure the animal is properly licenced; and
 - b) record the name and address of the person or persons claiming to be the owner, as well as the dates the animal was impounded and redeemed.
- 7.3 The Animal Control Officer shall try to have adopted any animal which has not been redeemed with 72 hours after impoundment (not including the date of impoundment, Sundays or Statutory Holidays).
- 7.4 Any unneutered dogs and cats adopted from the Shelter shall be neutered, at the expense of the adopting family, prior to release. Where the animal is too young for the surgery, the adopting family shall pay the cost of the surgery to the District prior to taking custody of the animal. The District will pay the Veterinary Hospital upon receipt of proof of surgery.
- 7.5 If, after trying for 96 hours, the Animal Control Officer is not able to have adopted any animal under section 7.3, the Animal Control Officer may cause to have the animal destroyed by a Veterinarian.

8. Dangerous Dogs

- 8.1 The classification of a dog as a dangerous dog will be done by the Animal Control Officer if, after careful consideration of the facts, in his opinion the dog is dangerous. Owners of dogs that have been declared as dangerous will be contacted promptly in written form.
- 8.2 Once a dog has been declared dangerous, the only way in which this declaration can be determined to be incorrect is by the Court. This can be done by the owner in defending an application to destroy the dog.
- 8.3 The Animal Control Officer or any Peace Officer may take the necessary steps to enter on any premises and seize and impound any dangerous dog that has killed or seriously injured a person or other animal and may either impound the dog in accordance with this bylaw or may apply to the Provincial Court within 21 days for an order that the dog be destroyed.
- 8.4 The Provincial Court, on application and on being satisfied that a dog is dangerous, may order that the dog be destroyed.
- 8.5 No person shall own or keep any dangerous dog unless such dog is licensed as a dangerous dog with the municipality by an owner who is over the age of eighteen and who has paid the applicable fee as shown in the District of Port Hardy Rates Bylaw.
- 8.6 In order to obtain such licence, an owner of a dangerous dog shall supply the municipality with written confirmation from a licensed veterinarian that such dog has been neutered.
- 8.7 When such dog is off the property of the owner, the owner shall ensure that it is properly fitted with a muzzle and on a leash not longer than one metre and that it is

under the control of a responsible person over the age of eighteen.

- 8.8 When such dog is on the property of the owner, the owner shall ensure that it is either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent it from escaping and to prevent the entry of any person not intended to access such dog. Such pen or structure shall comply with section 5 of this bylaw and shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit.
- 8.9 The owner of such dog shall display a sign at each entrance to the property and building in which such dog is kept, declaring in legible writing and with a recognizable symbol that the dog is dangerous.
- 8.10 The owner of such dog shall promptly notify the municipality's animal control department if the dog is found to be running at large.
- 8.11 If the owner of a dangerous dog is unwilling or unable to comply with the requirements of this section, said dog shall be seized and impounded for a fourteen day holding period, after which the dog shall be euthanized by a Veterinarian.
- 8.12 A dangerous dog, or a dog that, unprovoked, is known to have bitten or attacked a person or other animal, that is surrendered to the Animal Control Officer shall not be available for adoption and will be euthanized immediately unless ordered held by the Contagious Disease Nurse or designate.
- 8.13 Except where the Animal Control Officer has made an application to the Provincial Court for an order that a dangerous dog be destroyed or 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 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.

9. Female Dog in Heat

- 9.1 Every owner of a female dog in heat shall confine it or cause it to be confined in a building or enclosure so that it cannot come in contact with other dogs, except that such a dog may be conveyed under the control of a competent person to a veterinary clinic or a boarding kennel.
- 9.2 Notwithstanding section 9.1, where a female dog in heat has been impounded under the provisions of this bylaw, the dog shall remain in the control of the Animal Control Officer until the expiration of the dog's ovulatory period. The owner shall be responsible for all maintenance fees for the duration of the impoundment.

10. Breeders and Owners of Show Animals

- 10.1 The owner of an unneutered dog or cat kept for show purposes must provide proof that the animal is a registered show animal.
- 10.2 Every owner of an unneutered dog or cat must ensure that the dog or cat is not permitted to be running at large within the District.
- 10.3 No female dog or cat shall:
 - a) be mated if it is less than one year old;
 - b) give birth to more than six litters; and
 - c) give birth before the end of the period of twelve months beginning with the day on which it last gave birth.
- 10.4 Accurate breeding and care records shall be kept by the Breeder and made available for inspection by any officer of the municipality, a Special Provincial Constable of the British Columbia Society for the Prevention of Cruelty to Animals or a licensed veterinarian, authorized by the local authority to inspect the premises.

11. Regulations for the Keeping of Livestock

- 11.1 The keeping of both large and small livestock for hobby farm purposes will be permitted in the appropriate zone, provided there are not any health or environmental problems.
- 11.2 No cows, horses or other large livestock shall be kept in the District within 60 metres (200 feet) of a neighbour's premises occupied as a dwelling.
- 11.3 The owner, possessor or harbourer of large or small livestock shall not permit animal excrement to accumulate in such manner as to be offensive to smell or to be unsanitary. Animal excrement shall be disposed of regularly. If a nuisance or health problem arises such disposal shall be in a manner approved by the Environmental Health Officer.

12. Fencing of Livestock

- 12.1 Where livestock is kept in open fields, the owner of the property must provide adequate fencing to keep such livestock from roaming beyond property boundaries.
- 12.2 If livestock is kept on a property and if that property also abuts a highway, then the owner shall erect fences along the boundary of that property abutting the highway for the purpose of preventing livestock from straying upon the highway.
- 12.3 If a fence is required under section 12.2, the fence posts shall be a minimum of 1.2 metres (4 feet) in height above ground level and no more than 3.6 metres (12 feet) apart and of adequate strength so that livestock cannot dislodge or break the posts by applying minimum force.
- 12.4 If a fence is required under section 12.2, the fencing may be a minimum of three (3) strands barb wire or three (3) rails of chain link. Where barbed wire is used there will

be orange or red ribbon on the top strand no more than three (3) metres (10 feet) apart.

12.5 No person shall allow a fence, which is used for the purpose of holding livestock, to fall into a state of disrepair.

13. General

13.1 The Animal Control Officer shall seize and impound any animal which is at large within the municipality. The Animal Control Officer shall, if possible, inform the owner of any animal that the animal has been seized and impounded. If the owner of the animal is not known to the Animal Control Officer, or if the Animal Control Officer is unable to contact the owner, then the Animal Control Officer shall, within 24 hours of the impoundment, post a notice of such seizure and impoundment on the notice board at the Animal Shelter. This notice is deemed to be sufficient notice to the owner of the seizure and impoundment of the animal.

13.2 When the Animal Control Officer has reason to believe that an animal is not receiving proper care, treatment or shelter, the Animal Control Officer may enter onto the property at any reasonable time to determine the health and well being of an animal on the property and to ascertain whether the provisions of this bylaw are being observed.

13.3 The Medical Officer, Health Officer, Mayor, Judge or Senior Police Officer in the municipality may order any animal found to be suffering from an infectious, contagious or incurable disease to be destroyed. The Animal Control Officer, on receiving such order, shall forthwith attend to having the animal euthanized by a veterinarian. The animal's owner shall not be entitled to any compensation.

PART 3 – COMMERCIAL KENNELS AND CATTERIES

14. Licence Requirements

14.1 No person shall own, operate, manage, control, supervise or have on any property a kennel or cattery without holding a current and valid District of Port Hardy business licence.

14.2 The applicant shall provide a list of the maximum number of dogs or cats to be kept at the subject property.

14.3 The licensing officer shall refuse any licence application which does not meet with all of the requirements of this bylaw.

14.4 In the event that a licence application is refused, the licensing officer shall give notice in writing to the applicant by registered mail or personal delivery.

15. Municipal Confirmation

15.1 Prior to the issuance a business licence, the Inspector shall confirm that:

- a) there have not been any bylaw violations during the previous licensing year;
- b) a site inspection has been conducted to verify the suitability of the property for a commercial kennel and the maximum number of dogs or cats to be kept at the kennel or cattery; and

- c) the site plan and type of kennel or cattery meets the applicable municipal zoning requirements.

16. General Regulations

16.1 No person shall use a building or part of a building for a kennel or a cattery unless it complies with the following regulations. It shall:

- a) have a ceiling height of not less than eight (8) feet measured perpendicularly from the floor;
- b) have floors constructed of material that is impervious and readily cleaned;
- c) be lit by windows admitting unobstructed natural daylight, the glass area of which shall equal one-tenth (1/10) of the floor area and fifty (50%) percent of which shall open in order that proper ventilation may be attained or alternately to the foregoing, shall be equipped with the following:
 - i) artificial light providing evenly distributed illumination equivalent to at least ten (10) foot candles at a distance of thirty (30) inches from the floor and working surfaces and such artificial light sources shall be in use except when equivalent natural light is present or during the night or rest periods;
 - ii) the installation of mechanical apparatus to provide at least one (1) complete change of air per hour;
- d) have interior walls and ceilings constructed of/or containing at least three (3) inches of insulation or its equivalent for the purpose of soundproofing;
- e) be connected to the municipal water supply system;
- f) have an adequate supply of running hot water available in the premises at all times for the purpose of washing the animals and cleaning the premises so that they are capable of being kept in a clean and healthy condition;
- g) be adequately heated;
- h) have, in the case of a building having pens, suitable bedding on which the animals may sleep or eat and there shall be such bedding for each pen;
- i) have, in the case of buildings having pens, a four (4) foot wide hallway fronting each pen;
- j) have one (1) isolation pen for each twenty (20) animals or fraction thereof either in the kennels or in the veterinary hospital
- k) have a suitable whelping area;
- l) have a service area containing the following facilities and accommodation:
 - i) a public waiting room and office, separate or combined;
 - ii) food storage and preparation room equipped with adequate refrigeration equipment and a sink with running hot and cold water;
 - iii) adequate toilets and wash basins available for the use of staff;

- iv) grooming room with a plumbing fixture for the bathing of animals to be connected with running hot and cold water;
 - v) a hopper sink supplied with running hot and cold water for the cleaning of the pens and runs;
- m) be painted when necessary and, together with pens, kept at all times in good repair;
- n) be kept at all times, together with pens and yards, in a clean and sanitary condition and free from vermin and rodents;
- o) be kept, together with pens and yards, disinfected and free of offensive and disagreeable odours to the satisfaction of the Medical Health Officer or the Inspector;
- p) be kept free of manure, dung, refuse and liquid waste which the operator shall dispose of in a manner approved by the Medical Health Officer; and
- q) have a competent person available at all times.
- 16.2 The operator of a kennel or cattery shall take effective precautions to ensure that animals under his care are properly controlled and restrained from barking, yelping and howling. Dogs are to be restrained to pens between 8:00 p.m. and 8:00 a.m.
- 16.3 The operator of a kennel or cattery shall ensure that animals are fed and watered from utensils which have been washed daily and the design of which hampers tipping of them.
- 16.4 Notwithstanding anything in any other bylaw, no person shall have, operate, maintain or carry on or permit to be operated, maintained or carried on, any kennel or cattery within the District of Port Hardy except on a property designed for such use by the current District of Port Hardy Zoning Bylaw.
- 16.5 Every person operating, maintaining or allowing to carry on a kennel or cattery operation shall comply with the following regulations:
- a) supply pens or cages of design, finish and size so as not to restrict the animal unnecessarily and so as to permit ready cleaning of the pens or cages, with an outside kennel run of three (3) feet wide by twelve (12) feet long and minimum of six (6) feet high;
 - b) each run shall be separated one from another with a wall or fence constructed of concrete, wood or suitable metal mesh fence.
- 16.6 A fence of at least six (6) feet in height, constructed of wood, masonry, stone or concrete shall be placed around that portion of the property used for kennel purposes including, without limiting the foregoing, open air runs so as prevent visibility from without. The fence shall be situated not less than ten (10) feet from the kennel building or from the building and its runs and shall be kept in good repair by the owner or operator of the kennel.
- 16.7 Kennel buildings shall have interior/exterior walls constructed of a smooth impervious material to a height of four (4) feet above the floor. Each pen shall have a doorway

connecting it to a hallway which shall be provided with a door. Without limiting the foregoing, such door may be a Dutch-door type.

16.8 Kennel and cattery operators shall:

- a) maintain a register of animals in the kennel clearly providing the following information:
 - i) the name, address and telephone number of the owner of the animal;
 - ii) the name and breed of the animal; and
 - iii) the breeding record of all animals housed there.
- b) make available the register to the inspection of the Police or the Inspector at all reasonable times; and
- c) display prominently in the public waiting room the rates charged for services rendered by the kennel or cattery personnel.

PART 4 – HOBBY KENNELS

17. Licence Requirements

- 17.1 No person shall own, operate, control or have on any property a hobby kennel without holding a current and valid District of Port Hardy business licence.
- 17.2 The licensing officer shall refuse any licence application which does not meet with all of the requirements of this bylaw.
- 17.3 In the event that a licence application is refused, the licensing officer shall give notice in writing to the applicant by registered mail or personal delivery.

18. General Regulations

- 18.1 Animals kept in a hobby kennel shall be housed within the owner's premises.
- 18.2 The premises shall contain a suitable whelping area.
- 18.3 The property, together with pens and yards, must:
 - a) be kept at all times in a clean and sanitary condition and free from vermin and rodents;
 - b) be kept disinfected and free of offensive and disagreeable odours to the satisfaction of the Medical Health Officer or the Inspector;
 - c) be kept free of manure, dung, refuse and liquid waste which the operator shall dispose of in a manner approved by the Medical Health Officer; and

- d) have a competent person available at all times.
- 18.4 The operator of a hobby kennel shall take effective precautions to ensure that animals under his care are properly controlled and restrained from barking, yelping and howling. Dogs are to be housed in the residence between 8:00 p.m. and 8:00 a.m.
- 18.5 The operator of a hobby kennel shall ensure that animals are fed and watered from utensils which have been washed daily and the design of which hampers tipping of them.
- 18.6 Every person operating a hobby kennel for dogs shall:
- a) provide an outside kennel run a minimum of three (3) feet wide by twelve (12) feet long and a minimum of six (6) feet high; or
 - b) a fenced area with a fence that is sufficient to contain the dog(s).
- 18.7 Hobby kennel operators shall:
- a) maintain a register of animals in the kennel clearly providing the name, breed and the breeding record of all animals housed there; and
 - b) make available the register to the inspection of the Police or the Inspector at all reasonable times.

PART 5 – GENERAL

19. Schedules

Schedule "A" – Off-leash Zones – attached to this bylaw forms part of this bylaw.

20. Inclusivity

In this bylaw, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.

21. Severability

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

22. Violation

Any animal owner who contravenes any section of the bylaw is subject to a minimum fine of \$100.00 and a maximum fine of \$2,000.00. For each day that a violation is permitted to exist, it shall constitute a separate offence.

23. Repeal

Animal Control Bylaw 12-2010 and Kennel Operation Bylaw No. 662, 1987 are hereby repealed.

Read a first time the 22nd day of May, 2012.

Read a second time the 22nd day of May, 2012.

Read a third time the 22nd day of May, 2012.

Third reading rescinded the 12th day of June, 2012.

Read a third time, as amended, the 12th day of June, 2012.

Adopted the _ day of _, 2012.

Director of Corporate Services

Mayor

Certified to be a true copy of District of Port Hardy
Animal Care and Control Bylaw 11-2012

Director of Corporate Services

SCHEDULE "A"

OFF-LEASH ZONES

Public property where dogs are permitted without a leash if under the control of a responsible individual:

- Tsulquate Park from Kin Hut to the Waste Water Treatment Plant
- Duval Forestry Road
- Lot B, Plan VIP51959 (9250 Trustee Road) – undeveloped District of Port Hardy lot adjoining North Island Mall and the Trustee Road entrance to the mall



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Municipal Ticketing Bylaw Amendment
DATE: 18 June, 2012

Attached is a bylaw amending Municipal Ticketing Information Bylaw 01-2010. The amendment is required to correspond to the new Animal Care and Control Bylaw.

Attachment A – The only change is in 1, Animal Control Bylaw No. **13-2012**

Attachment B

- The entire Schedule B is changed to reflect the sections of the new Animal Care and Control Bylaw.
- Fines for general infractions have remained at \$100.00.
- Fines for dangerous dog offences have remained at \$250.00.
- Fines for obstructing the Animal Control Officer have remained at \$500.00.
- Recommended fines for failure to provide proper care, following discussion with members of the Legislative Review Committee, are set at \$200.00.

Recommendation

That District of Port Hardy Municipal Ticket Information System Amendment Bylaw 13-2012 be presented to Council for first, second and third reading.

Respectfully submitted,

Gloria Le Gal, DCS



**DISTRICT OF PORT HARDY
BYLAW 13-2012**

**A Bylaw to Amend Bylaw No. 01-2010
Being the Municipal Ticket Information System**

WHEREAS the Council of the District of Port Hardy deems it expedient to amend a portion of Bylaw 01-2010;

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

1. TITLE

This Bylaw may be cited as the District of Port Hardy Municipal Ticket Information System Amendment Bylaw 13-2012.

2. AUTHORIZATION

Bylaw 01-2010 is amended as follows:

- a) Amend Schedule A as shown on Attachment A of this bylaw;
- b) Add Schedule B as shown on Attachment B of this bylaw.

3. ATTACHMENTS

All attachments to this bylaw form a valid portion of said bylaw.

4. SEVERABILITY

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Read a first time this _ day of __, 2012.

Read a second time this _ day of __, 2012.

Read a third time this _ day of __, 2012.

Adopted this _ day of __, 2012.

Director of Corporate Services

Mayor

Certified to be a true copy of District of Port Hardy
Municipal Ticket Information System Amendment Bylaw No. 09-2010.

Director of Corporate Services

ATTACHMENT A

**SCHEDULE A
 District of Port Hardy
 Ticket Information Bylaw 01-2010**

Column 1 Designated Bylaws	Column 2 Designated Bylaw Enforcement Officers
1. Animal Control Bylaw No. 13-2012	Bylaw Enforcement Officer Animal Control Officer Member of the Royal Canadian Mounted Police Director of Corporate Services
2. Boulevard Maintenance Bylaw No. 14-2005	Bylaw Enforcement Officer Operational Services Working Foreman Director of Corporate Services
3. Building Bylaw No. 11-2005	Bylaw Enforcement Officer Municipal Inspector Fire Chief, Deputy Fire Chief or Local Assistant to the Fire Commissioner
4. Building Numbering Bylaw No. 16-2005	Bylaw Enforcement Officer Municipal Inspector Fire Chief, Deputy Fire Chief or Local Assistant to the Fire Commissioner Director of Corporate Services
5. Business Licence Bylaw No. 16-2006	Bylaw Enforcement Officer Approving Officer Director of Corporate Services
6. Open Burning and Smoke Control Bylaw No. 06-2010	Bylaw Enforcement Officer Fire Chief, Deputy Fire Chief or Local Assistant to the Fire Commissioner Member of the Royal Canadian Mounted Police British Columbia Conservation Officer Director of Corporate Services
7. Fireworks Regulation Bylaw No. 05-2010	Bylaw Enforcement Officer Fire Chief, Deputy Fire Chief or Local Assistant to the Fire Commissioner Member of the Royal Canadian Mounted Police
8. False Alarm Bylaw 06-2011	Bylaw Enforcement Officer Fire Chief, Deputy Fire Chief or Local Assistant to the Fire Commissioner Member of the Royal Canadian Mounted Police
9. Garbage Regulation Bylaw No. 12-2009	Bylaw Enforcement Officer Municipal Inspector Director of Corporate Services British Columbia Conservation Officer
10. Noise Control Bylaw No. 949, 1996	Bylaw Enforcement Officer Member of the Royal Canadian Mounted Police Municipal Inspector Animal Control Officer Director of Corporate Services

Column 1 Designated Bylaws	Column 2 Designated Bylaw Enforcement Officers
11. Parks and Beaches Bylaw No. 19-2005	Bylaw Enforcement Officer Operational Services Working Foreman Fire Chief, Deputy Fire Chief or Local Assistant to the Fire Commissioner Animal Control Officer Member of the Royal Canadian Mounted Police Director of Corporate Services
12. Second Hand Dealers Bylaw No. 972, 1997	Bylaw Enforcement Officer Member of the Royal Canadian Mounted Police
13. Sewer Regulation Bylaw No. 13-2009	Bylaw Enforcement Officer Municipal Inspector Director of Corporate Services
14. Sign Bylaw No. 08-2009	Bylaw Enforcement Officer Municipal Inspector Director of Corporate Services
15. Small Boat Harbour Regulations Bylaw No. 06-2000	Bylaw Enforcement Officer Harbour Manager or designate Director of Corporate Services
16. Traffic Regulations Bylaw No. 16-2007	Bylaw Enforcement Officer Member of the Royal Canadian Mounted Police Operational Services Working Foreman
17. Tree Protection Bylaw No. 24-2005	Bylaw Enforcement Officer Operational Services Working Foreman
18. Unsightly Premises Bylaw No. 10-2008	Bylaw Enforcement Officer Municipal Inspector Director of Corporate Services British Columbia Conservation Officer
19. Water Regulations Bylaw No. 14-2009	Bylaw Enforcement Officer Municipal Inspector Director of Corporate Services
20. Water Conservation Bylaw No. 06-2005	Bylaw Enforcement Officer Operational Services Working Foreman Director of Corporate Services
21. Zoning Bylaw No. 10-2006 and amendments	Bylaw Enforcement Officer Municipal Inspector Director of Corporate Services

ATTACHMENT B

SCHEDULE B

District of Port Hardy Ticket Information Bylaw No. 01-2010

Animal Control Bylaw No. 11-2012		
Column 1 Section	Column 2 Offence	Column 3 Fine
3.1	Unlicensed dog	\$ 100.00
3.2	Failure to purchase annual licence	\$ 100.00
3.3	Failure to identify dog	\$ 100.00
3.9	Failure to apply for licence	\$ 100.00
4.1(a)	Unneutered animal	\$ 100.00
4.3	Animal at large	\$ 100.00
4.5	Failure to remove feces	\$ 100.00
4.6	Excessive noise	\$ 100.00
4.8(a)	Failure to control dog	\$ 100.00
4.9	Keeping excessive number of dogs or cats	\$ 100.00
5.1	Failure to provide care	\$ 200.00
5.2	Failure to provide shelter	\$ 200.00
5.3	Unsanitary environment	\$ 200.00
5.5	Improperly restraining an animal	\$ 200.00
5.6	Excessive hours of restraint	\$ 200.00
5.7	Inadequate ventilation	\$ 200.00
5.8	Improper transport	\$ 200.00
7.4	Failure to neuter dog or cat	\$ 100.00
8.5	Keeping of a dangerous dog	\$ 250.00
8.7	Failure to muzzle	\$ 250.00
8.8	Failure to securely confine	\$ 250.00
8.9	Failure to post sign	\$ 250.00
8.10	Failure to notify	\$ 250.00
9.1	Failure to confine female dog in heat	\$ 100.00
10.2	Unneutered dog or cat at large	\$ 100.00
11.1	Keeping livestock in restricted zone	\$ 100.00
11.2	Livestock too close to premises	\$ 100.00
11.3	Accumulation of excrement	\$ 100.00
12.1	Inadequate fencing	\$ 100.00
12.2	Failure to contain livestock	\$ 100.00
12.3	Inadequate fencing	\$ 100.00
12.4	Failure to mark barbed wire fence	\$ 100.00
12.5	Fence in disrepair	\$ 100.00
14.1	No business licence	\$ 100.00
16.1(a)	Improper ceiling height	\$ 100.00
16.1(b)	Improper flooring	\$ 100.00
16.1(c)	Improper lighting	\$ 100.00
16.1(d)	Lack of insulation	\$ 100.00
16.1(e)	Lack of water connection	\$ 100.00
16.1(f)	Inadequate hot water	\$ 200.00
16.1(g)	Inadequate heating	\$ 200.00
16.1(h)	Inadequate bedding	\$ 100.00

Animal Control Bylaw No. 11-2012 (Continued)		
Column 1 Section	Column 2 Offence	Column 3 Fine
16.1(i)	Lack of hallway	\$ 100.00
16.1(k)	Lack of whelping area	\$ 200.00
16.1(l)	Improper facilities	\$ 100.00
16.1(m)	Poor repair	\$ 100.00
16.1(n)	Unsanitary	\$ 200.00
16.1(o)	Offensive odours	\$ 200.00
16.1(p)	Excrement not removed	\$ 200.00
16.1(q)	No one on site	\$ 200.00
16.2	Lack of noise control	\$ 100.00
16.3	Inadequate utensils	\$ 100.00
16.4	Property not zoned for kennel	\$ 100.00
16.5	Improper housing	\$ 100.00
16.6	No fence	\$ 100.00
16.7	Improper wall material	\$ 100.00
16.8	Lack of registry information	\$ 100.00
17.1	Lack of business licence	\$ 100.00
18.1	Not housed in premises	\$ 100.00
18.2	No suitable whelping area	\$ 100.00
18.3	Unsanitary	\$ 200.00
18.4	No noise control	\$ 100.00
18.5	Utensils unclean or poor design	\$ 100.00
18.6	Inadequate outdoor area	\$ 100.00
18.7	Inadequate registry	\$ 100.00



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Placement of Manufactured Homes
DATE: 20 June, 2012

As requested, I have reviewed the manufactured home placement regulations in Zoning Bylaw 10-2006 with Jeff Long, Planner for the Regional District of Mount Waddington.

There are some discrepancies in the definitions that we use. Mr. Long has provided new definitions and terms that he recommends in order to clarify where manufactured homes and modular homes may be placed within the community.

The recommended amendments will not change where these homes are permitted; they will simply clarify the bylaw. Manufactured homes will continue to be permitted in the Mobile Home Park Residential (R-3) zone and modular homes will continue to be permitted in the Rural One (RU-1) zone.

Legislation

Local Government Act


S 890 (4) A local government may waive the holding of a public hearing on a proposed bylaw if (a) an official community plan is in effect for the area that is subject to a proposed zoning bylaw, and (b) the proposed bylaw is consistent with the plan.

S 893 (1) If a local government waives the holding of a public hearing under section 890(4), it must give notice in accordance with this section.

Recommendations

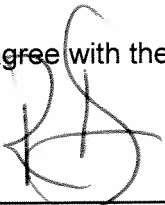
1. That District of Port Hardy Zoning Amendment Bylaw 14-2012 proceed to Council for first and second readings.
2. That Council waive the holding of a public hearing.

Respectfully submitted,



Gloria Le Gal, DCS

I agree with the recommendation.



Rick Davidge, CAO



**DISTRICT OF PORT HARDY
BYLAW NO. 14-2012**

**A BYLAW TO AMEND BYLAW NO. 10-2006
BEING THE DISTRICT OF PORT HARDY ZONING BYLAW**

WHEREAS the Council of the District of Port Hardy deems it expedient to amend a portion of Bylaw No. 10-2006;

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

1. TITLE

This Bylaw may be cited as the "District of Port Hardy Zoning Amendment Bylaw 14-2012".

2. AUTHORIZATION

Bylaw 10-2006 is amended as follows:

- (a) Section 1.2, delete the definition for "Manufactured Home".
- (b) Section 1.2 Definitions, add:
"Manufactured Home Park" means a single lot on which three or more manufactured home spaces are rented for the purposes of siting a Residential Manufactured Family on each.
- (c) Section 1.2 Definitions, add:
"Residential Manufactured Family" means a dwelling unit that:
 - (a) is greater than 37 square metres in floor area;
 - (b) was manufactured at a factory and is intended to be occupied as a dwelling at a place other than its place of manufacture; and
 - (c) meets or exceeds Canadian Standards Association CSA-Z240, CSA A277 or CSA A277-M1990 standards or equivalent.

A Residential Manufactured Family may include what is commonly referred to as a "manufactured home", "mobile home", "modular home" or "pre-fabricated home" that meets these criteria but does not include a recreational vehicle.
- (d) Amend the term "Mobile Home" where it appears throughout the Bylaw to "Residential Manufactured Family";
- (e) Amend the term "Mobile Home Park" where it appears throughout the Bylaw to "Manufactured Home Park";
- (f) Amend the term "Modular Home (A277)" where it appears throughout the Bylaw to "Residential Manufactured Family".

Read a first time on the _ day of __, 2012.

Read a second time on the _ day of __, 2012.

Read a third time on the _ day of __, 2012.

Adopted on the _ day of __, 2012.

Director of
Corporate Services

Mayor