



DISTRICT OF PORT HARDY

AGENDA REGULAR MEETING OF COUNCIL 7:00 PM TUESDAY, MAY 22, 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 MAY 22, 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**
- 1-2** 1. The minutes of the Committee of the Whole meeting held May 8, 2012.
- Motion required* 1. 2.
- 3-7** 2. The minutes of the Regular Council Meeting held May 8, 2012.
- Motion required* 1. 2.
- D. DELEGATIONS AND REQUEST TO ADDRESS COUNCIL**
No delegations
- E. BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS**
- 8-9** Council Action items. For information.
- F. CORRESPONDENCE**
No delegations
- G. NEW BUSINESS**
No new business in agenda package.
- H. COUNCIL REPORTS**
Verbal reports from Council members.
- I. COMMITTEE REPORTS**
- 10** 1. Legislative Committee Minutes of the meeting held May 15, 2012. For information.
- J. STAFF REPORTS**
- 11-13** 1. G. Le Gal, Director Corporate Services (May 17/12) re: Carnarvon Place Park.
- Motion / direction* 1. 2.
- 14-20** 2. G. Le Gal, Director Corporate Services (May 17/12) re: Seaplane Base Operations Contract.
- Motion / direction* 1. 2.
- 21-40** 3. D. Clipperton, Director Financial Services (May 17/12) re: 201 Audited Financial Statements.
- Motion* 1. 2.

- 41 4. G. Wolden, Recreation Facility Foreman (May 17/12) re: Tender for Recreation Centre Whirlpool Construction.

Motion / direction 1. 2.

K. CURRENT BYLAWS AND RESOLUTIONS

- 42 1. District of Port Hardy Commission Repealing Bylaw No. 08-2012. For Adoption.

Motion required 1. 2.

- 43-47 2. District of Port Hardy Vacant Property Bylaw 09-2012. For First, Second and Third Reading.

Motion required 1. 2.

- 48-55 3. District of Port Hardy User Rates and Fees for 2012 Amendment Bylaw 10-2012. For First, Second and Third Reading.

Motion required 1. 2.

- 56-71 4. District of Port Hardy Animal Care and Control Bylaw 11-2012. For First, Second and Third Reading.

Motion required 1. 2.

L. PENDING BYLAWS

Neighbourhood zero emission vehicles.

M. INFORMATION AND ANNOUNCEMENTS

- May 23 Operational Services Committee 9:00 am Council Chambers
- May 25 Public Works Open House 10:00 am-2:00 pm Public Works Yard
- May 29 Municipal Emergency Planning - Noon Council Chambers
- May 28 Twinning Society - 7:00 pm Council Chambers
- June 6 Heritage Society - 7:00 pm Council Chambers
- June 7 Regional Emergency Planning - 9:00 am-12:30 pm Council Chambers
- June 12 Regular Council Meeting - 7:00 pm Council Chambers
- June 19 Downtown Revitalization Planning Meeting 8:30 am-3:30 pm Council Chambers
- June 19 Finance Committee - 10:00 am (location to be advised)
- June 26 Regular Council Meeting - 7:00 pm 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 MAY 8, 2012

CALL TO ORDER: Mayor Parnham called the meeting to order. Time: 2:00 pm

PRESENT: Mayor Parnham, Councillors Marcotte, Shaw, Tidbury

REGRETS: Councillors Huddlestan, Dorward, Hemphill

ALSO PRESENT: Rick Davidge, CAO
Deb Clipperton, Director of Financial Services
Gloria Le Gal, Director of Corporate Services
David Mitchell, General Manager, Community Futures
Chuck Lok, Director, Community Futures
Lawrie Garrett, Community Futures Business Analyst

Media: None

Citizens: None

C2012-003
APPROVAL OF
AGENDA

APPROVAL OF AGENDA

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

PRESENTATION

1. David Mitchell explained that Community Futures are an independently run organization and operate only in rural communities. They provide technical and advisory services as well as access to capital in the form of loans.

Anyone can access support, they do not need to be a loan client.

One of the biggest challenges for small businesses is the cost of operation and this can be reduced by combining multiple complimentary businesses in one space.

Their new website is Bizshift.ca.

A video, Generation Exit, Facing the Demographic Shift in Rural Business, was shown.

Venture Connect is designed to connect those wishing to retire or to close their business with new entrepreneurs. This is accomplished, in part, by working with both groups to set priorities and set market targets.

Mayor Parnham thanked Mr. Mitchell, Mr. Garrett and Mr. Lok for their time and presentation.

The Committee of the Whole rose.

Time: 3:15 pm

1

CERTIFIED CORRECT

APPROVED

DIRECTOR OF
CORPORATE SERVICES

MAYOR

MINUTES OF THE DISTRICT OF PORT HARDY
REGULAR MEETING OF COUNCIL MAY 8, 2012

CALL TO ORDER: Mayor Parnham

Time: 7:03 pm

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

REGRETS: Councillors Dorward, Huddleston

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

Media: None

Citizens: One

APPROVAL OF AGENDA

Mayor Parnham advised of an addendum to the agenda under New Business: Request from Nigel Parr, Port Hardy Rotary Club (May 8/12) re: Addition of two new bus shelters at Gray Street and Highland Drive at no cost to the District and request to meet with Public Works to define the precise locations.

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

ADOPTION OF MINUTES

1. The minutes of the Public Budget Consultation meeting held April 24, 2012.

Moved/Seconded/Carried
THAT the minutes of the Public Budget Consultation meeting held April 24, 2012 be approved as presented.

2. The minutes of the Regular Council Meeting held April 24, 2012.

Moved/Seconded/Carried
THAT the minutes of the Regular Council Meeting held April 24, 2012 be approved as presented.

3. The minutes of the Special Council Meeting held May 1, 2012.

Moved/Seconded/Carried
THAT the minutes of the Special Council Meeting held May 1, 2012 be approved as presented.

DELEGATIONS

1. No Delegations

2011-098
APPROVAL OF AGENDA
AS AMENDED

2012-099
MINUTES OF THE PUBLIC
BUDGET MEETING APRIL
24, 2012 APPROVED

2012-100
MINUTES OF THE
REGULAR COUNCIL
MEETING APRIL 24, 2012
APPROVED

2012-101
MINUTES OF THE
SPECIAL COUNCIL
MEETING MAY 1, 2012
APPROVED

BUSINESS ARISING FROM THE MINUTES AND UNFINISHED BUSINESS

1. Council action items were received as information.

CORRESPONDENCE

1. Hon. Christy Clark, Premier (Apr.17/12) re: Letter regarding municipal representation on the Expert Panel on B.C. tax competitiveness was received as information.
2. Hon. Ida Chong, Minister of Community, Sport & Cultural Development (Apr.18/12) re: Grant for Port Hardy Connectivity & Trail Enhancement (\$365,970) was received as information.
3. Yana Hrdy, Port Hardy & District Chamber of Commerce (Apr.27/12) re: Request for use of Carrot Park on June 8, 2012 to celebrate Oceans Day.

2012-102
CH OF COMM RE: USE
OF CARROT PARK FOR
OCEANS DAY JUNE 8/12

Moved/Seconded/Carried

THAT the request from the Chamber of Commerce for use of Carrot Park on June 8, 2012 to celebrate Oceans Day be approved.

4. Sabrina Dent, Chair, Relay for Life (Apr.30/12) re: Request for exemption from Noise Bylaw 949 for duration of the Relay for Life, May 26, 2012 and request to use District barriers.

2012-103
RELAY FOR LIFE
REQUEST FOR
EXEMPTION FROM
NOISE BYLAW MAY 26/12

Moved/Seconded/Carried

THAT the request from Sabrina Dent, Chair, Relay for Life for exemption from Noise Bylaw 949 for duration of the Relay for Life, May 26, 2012 and request to use District barriers be approved as presented.

NEW BUSINESS

1. Nigel Parr, Port Hardy Rotary Club (May 8/12)re: Addition of two new bus shelters at Gray Street and Highland Drive at no cost to the District and request to meet with Public Works to define the precise locations.

2012-104
ROTARY BUS SHELTERS
COUNCIL REPORTS

Moved/Seconded/Carried

THAT the request from Nigel Parr, Port Hardy Rotary Club to meet with Public Works to define the precise locations of the new bus shelters be approved as presented.

COUNCIL REPORTS

Councillor Tidbury reported on:

- Attending the Health Network Meeting and advised the coordinator position is up for review
- Attending the Pitch In clean up event, where he served hot dogs
- Attending a Community Futures Development Corporation meeting.

Councillor Shaw reported on:

- Attending the Regional Health Network Meeting and advised Sandra Waarne has given her resignation.
- Attending the District Finance meeting.

COUNCIL REPORTS

Councillor Marcotte reported on:

- Attending the Seniors Meeting and advised Seniors Week is June 3-9, 2012. The seniors asked if the Senior Centre could be used for a second Emergency PEP location. Councillor Tidbury advised he and Bob Hawkins, Emergency Coordinator, would attend the next meeting.
- The Fire Department with three new members, all female.
- Port Hardy Bulldozing is waiting for approval from the insurance company to clean up Tom's Kitchen following the fire.
- Attending the Vancouver Island North Tourism Association meeting.
- The Cape Scott Wind Farm new address.
- Attending the Parks & Recreation Commission meeting.

Councillor Hemphill reported on:

- Attending the opening of the Float Camp display at the Port Hardy Museum.
- Helping with the 101 Squadron silent auction fundraiser.
- Attending the Legislative Review Committee meeting and advised the Animal Control Bylaw is almost ready.
- Attending the Twinning Society meeting and weeding / clean up at the Twinning Garden.
- Attending the Emergency Preparedness Meeting at the Civic Centre.
- May 15, 2012 as the 15th Anniversary of Gwa'sala-'Nakwaxda'xw' School.

Mayor Parnham reported on:

- Attending a meeting with the Ministry of Justice on Crime Reduction and Aboriginal Justice.
- Attending a BC Ferries meeting and advised that the stats are up, but there are less bookings from Europeans. The Queen of Chilliwack will be upgraded to continue its run for the next five years, but after that it is not known what will happen with the run.
- Attending the Hospital Local Working Group meeting and advised the communities were very clear to VIHA that they need to do something major to correct the critical physician shortage.
- A meeting with Graham Bruce, former Cabinet Minister.
- Attending an upcoming conference on Pre Confederation Treaties

COMMITTEE REPORTS

1. Parks & Recreation Commission minutes of the meeting held May 1, 2012.

Moved/Seconded/Carried

THAT the minutes of the Parks & Recreation Commission Meeting held May 1, 2012 be received.

Recommendation to Council: That Council consider increasing the number of participants on the new Community Consultation Advisory Committee to up to 12 committee members.

Moved/Seconded/Defeated

THAT Council increase the number of participants on the new Community Consultative Committee to up to 12 committee members

2012-105
PARKS & RECREATION
COMM MINUTES MAY 1,
2012

2012-106
PARTICIPANTS ON
COMMUNITY
CONSULTATIVE
COMMITTEE

2012-107
LEGISLATIVE REVIEW
COMM MINUTES MAY 1,
2012

2. Legislative Review Committee minutes of the meeting held May 2, 2012.

Moved/Seconded/Carried
THAT the minutes of the Legislative Review Committee meeting held May 1, 2012 be received.

Recommendation to Council: That the Sustainability Committee be asked to comment on the keeping of chickens within the District and on zoning for agriculture or hobby farms.

2012-108
KEEPING OF CHICKENS
REFERRED TO
SUSTAINABILITY COMM

Moved/Seconded/Carried
THAT the recommendation be referred to the Sustainability Committee.

3. Board of Variance minutes of the meeting held April 19, 2012. For information.

2012-109
THANK YOU LETTER TO
N. WILSON FOR
SERVING ON BOARD OF
VARIANCE

Moved/Seconded/Carried
THAT a letter of thanks for time served on the Board of Variance be sent to Nadia Wilson.

STAFF REPORTS

1. Accounts Payable for April 2012 was received as information.
2. G. Le Gal, Director of Corporate Services (Apr.30/12) Community Consultative Committee Terms of Reference.

2012-110
COMMUNITY
CONSULTATIVE
COMMITTEE TERMS OF
REFERENCE

Moved/Seconded/Carried
THAT the District of Port Hardy accept the Terms of Reference as amended to include approval of Public Events and Community Safety in section 2.1.

Council agreed there is a need for a discussion on increased Public/Community Consultation.

BYLAWS

1. The District of Port Hardy Financial Plan 2012 – 2016 Bylaw 05-2012. For Adoption.

2012-111
BL05-2012 FINANCIAL
PLAN FOR 2012-2016
ADOPTED

Moved/Seconded/Carried
THAT District of Port Hardy Financial Plan 2012 – 2016 Bylaw 05-2012 be adopted.

2. District of Port Hardy Annual 2012 Tax Rates Bylaw 06-2012. For Adoption.

2012-112
BL 06-2012 TAX RATES
FOR 2012 ADOPTED

Moved/Seconded/Carried
THAT District of Port Hardy Annual 2012 Tax Rates Bylaw 06-2012 be adopted.

3. District of Port Hardy Rates and Fees for 2012 Amendment Bylaw 07-2012. For Adoption.

2012-113
BL 07-2012 AMEND BL14-
2011 RATES & FEES FOR
2012 ADOPTED

Moved/Seconded/Carried
THAT District of Port Hardy Rates and Fees for 2012 Amendment Bylaw 07-
2012 be adopted.

4. District of Port Hardy Commission Repealing Bylaw 08-2012 for
First, Second and Third Reading.

2012-114
BL 08-2012 COMMISSION
REPEALING 1ST, 2ND 3RD
READING

Moved/Seconded/Carried
THAT the District of Port Hardy Commission Repealing Bylaw No. 08-2012
receive First, Second and Third Reading.

ADJOURNMENT

2012-115
ADJOURNMENT

Moved
THAT we adjourn.

Time: 7:56 pm

CORRECT

APPROVED

DIRECTOR OF
CORPORATE SERVICES

MAYOR

ITEM	ACTION – REGULAR MEETING OF MAY 8, 2012	WHO	STATUS /COMMENTS
Ch of Commerce re: Use of Carrot Park for Oceans Day	Approved. Advise	GL	Done
S. Dent, Relay of Life, exemption from Noise Bylaw and use of District barriers	Approved. Advise	GL	Done
N. Parr, Rotary Club re: bus shelters, no cost to District	Approved. Advise	GL	Done
Legislative Review Committee: Request Sustainability Committee comment on the keeping of chickens within the district and on zoning for agriculture or hobby farms	Bring to next Sustainability Committee agenda	RD	
Board of Variance re: Thank you to Nadia Wilson	Write letter of thanks.	GL	Done
Community Consultative Committee re: Terms of Reference	Approved as amended: to include approval of Public Events and Community Safety in section 2.1.	GL	Done
ITEM	ACTION – REGULAR MEETING OF APRIL 24, 2012	WHO	STATUS /COMMENTS
C.Tidbury from April 2011 Action items Fireplace / woodstove inspection rates	Request for update.	GL/DC	Going to next Strategic Planning /Budget meeting
R.Scott School/SD 85 Commercial rentals	Council directed staff to: b.continue to gather more information regarding regulations and practices in other communities c.review zoning issues with the upcoming zoning bylaw review and;	GL GL	In progress In progress
RDMW re: Regional business data and internet gateway project - Port Hardy businesses into database.	Council directed staff to further investigate the request from the Regional District of Mount Waddington regarding the regional business data and internet gateway project.	PS	Meeting set- May 22
UBCM re: Request that UBCM members contact MLA's regarding importance of Provincial Government Bill 34 Limitation Act legislation to local governments.	Write to MLA Claire Trevena regarding the importance of the proposed provincial legislation Bill 34, the new Limitation Act to municipal governments AND THAT the letter advise of concerns that Bill 34 does not address the issue of joint and several liability with copies of the letter to be sent to the presidents of the Union of British Columbia Municipalities and Association of Vancouver Island and Coastal Communities.	MP	Done
Gwa'sala-'Nakwaxda'xw nation re: Floating structure at Seagate Wharf	Write letter of support and proceed with discussions with Gwa'sala-'Nakwaxda'xw Nation.	RD/PS	In progress
Storey's Creek Watermain Tender	Awarded to PH Bull Dozing for \$73,136.28. Advise PH Bull of Award. Advise companies submitting tenders of award.	TK TK	
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

ITEM	ACTION – REGULAR MEETING OF FEBRUARY 28, 2012	WHO	STATUS /COMMENTS
Legislative Review Committee Minutes Feb 22/12 re: Chickens in residential areas	Chickens in residential areas, no direction to proceed, C/Hemphill may continue research	C/JH	Referred to Sustainability Comm
ITEM	ACTION – REGULAR MEETING OF FEBRUARY 14, 2012	WHO	STATUS /COMMENTS
Sustainability Committee Minutes of Feb 7/12 Recommendation to distribute Council information digitally where ever possible and at the option of individual council members	Staff to review recommendation and report to Council	RD	In progress
ITEM	ACTION – REGULAR MEETING OF JANUARY 10, 2012	WHO	STATUS /COMMENTS
AVICC - Resolutions - Submissions, Nominations	Draft resolution regarding reinstating northern living allowance to RDMW residents	RD	In progress
Engineering Support for District	Approved . 3 yr contract with Koers & Assoc Engineering. Prepare contract.	TK	Contract prepared, given to CAO



LEGISLATIVE REVIEW COMMITTEE

Minutes of the meeting held May 15, 2012

Present: Councillors J. Dorward and J. Hemphill
Regrets: Councillor R. Marcotte
Staff: G. Le Gal, Director of Corporate Services

Called to order by Councillor Dorward at 12:04 p.m.

1. Minutes of the May 2, 2012 meeting were accepted as circulated.
2. Animal Control Bylaw review
A revised draft bylaw was reviewed. The Committee recommended the following revisions:
 - a) Delete section 11.3 "The minimum area for keeping of small livestock animals will be 0.40 hectares (1 acre of land)," and refer to the Zoning Bylaw Review for inclusion in the Zoning Bylaw if required.

Discussion was held on:

- a) Comments from Miranda Schulte regarding revised bylaw:
 - i) requirement that animals be tattooed or chipped is unfair to people who cannot afford the procedure – the Committee felt this was not onerous as animals are tattooed or have micro chips inserted when they are spayed or neutered; breeders have income from their animals and therefore should be able to afford the cost to tattoo or insert microchips;
 - ii) business licence would not be required from anyone who is not currently breeding animals, i.e. animals are too young or too old to breed.
- b) Chickens in residential zones – this matter has been sent to the Sustainability Committee for comment. If there is a decision to permit chickens within the District, a suitable bylaw for that can be prepared at that time.

Staff was directed to email the completed bylaw to the Committee for one last review and to place the bylaw on the agenda for the next meeting of Council.

Meeting adjourned: 12:21 p.m.



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Carnarvon Place Park
DATE: 17 May, 2012

We have received the attached letter from Mr. and Mrs. Minar of Carnarvon Place requesting that Upper Carnarvon Park be maintained and upgraded.

Coincidentally, Risk Management Services Inc., on behalf of Municipal Insurance Association of BC, completed a risk control survey on several of our parks on April 11, 2012. Upper Carnarvon Park was included in that survey. They found that the equipment at this site is not up to current Playspace standards, the equipment has many sharp edges and may fail during use. Their recommendation was to replace or upgrade the non-standard play structures at Upper Carnarvon Park.

Trevor Kushner has inspected the playground and estimates a cost of \$4,000 to remove the existing equipment.

Recommendation

1. That the park be removed as soon as possible; and
2. that staff be directed to prepare a report detailing all options for Council.

Respectfully submitted,

Gloria Le Gal, DCS

MAY 09 2012

April 22nd, 2012

Mr. Marian, Mrs. Krista and Ms. Jayna Minar
9640 Carnarvon Place
Box 986
Port Hardy, BC
VON 2P0
250-949-7890
kristadale@gmail.com

*On behalf of the neighbours, current and, future park users of Carnarvon Place Park
'Carnarvon Place Park' Project*

To: the District of Port Hardy
7360 Columbia Street, Box 68
Port Hardy, BC
VON2P0
250-949-6665

On behalf of the residents in the neighbourhood of Carnarvon Place Park as well as current and future park users, we are writing a request for your support and investment in our children, our families, and our park, located in the center of Carnarvon Place.

In a town of almost 4000 residents, 20% of which the make-up is children aged 0-14 years of age¹, there are a limited number of public parks within town. Excluding the two school parks (Eagle View Elementary School, and former Robert Scott Elementary School), there are, unfortunately, only 2 of 3 parks that are usable, safe spaces-the park located on Highland Dr. and Trustee Rd. and Carrot Park.

This leaves limited play equipment to encourage children and families to conveniently be out of doors and active within the community.

However, with the unique town demographics and limited active play spaces (indoor or out), there is absolutely a need for free, safe, accessible and, developmentally appropriate play areas within this community.

Currently the park has the following issues:

- the playground has no play value as it does not meet safety standards² and ³
- the bottom of the slide is rotting out and is one of the last working pieces left
- pieces have been previously removed due to wear and tear as well as damage
- the equipment is made of old pressure treated wood that is no longer holding together well or safe
- the ground surfacing is poor/inadequate and has become a litter box for cats
- the basketball hoop has no net, and the backboard needs to be replaced or maintained to last longer
- the park is not well maintained (issues of garbage and overgrown grass)

¹ Statistics Canada, http://www.porthardytoday.com/downloads/ph_stats.pdf , 26/02/2009

² See <http://www.cpsionline.ca/index.php?action=cms.trainCpsiResources> for standards and regulations

³ See <http://www.langara.bc.ca/departments/recreation/pdf/2007CSAStandard-PlayspacesStoryandTopTenList.pdf> for further information

MAY 09 2012

- the power cord between two light posts is a safety concern with flying balls and other air-born toys
- the signage indicating 'no parking' etc; is old and worn out
- there is 100% exposure to the elements, no shade coverage is provided
- there are no benches or tables for sitting
- the park is not identified or named (with a sign or otherwise)
- we discovered a long since covered water drainage that is completely plugged

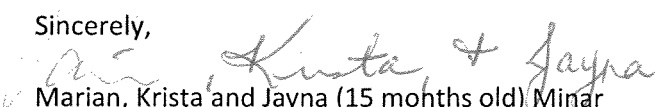
On April 22nd, 2012, some of the neighbours have come together to clean the park. We, as a family, are frequent park-goers with our 15 month old daughter and one on the way, along with other neighbours whom also have 2 young children; however we have found it difficult to encourage people to use the park due to its already deteriorating condition-even with it right across the street. It has been indicated by some neighbours that it is difficult to take ownership over something that has been left in poor repair.

This park could be a huge asset to the district of Port Hardy. We see it as a place that could:

- provide play spaces for young children given the right play equipment
- provide a place for older children through to adults due to the paved area which provides space to play basketball, street hockey etc;
- provide a free place to play for any income family
- be wheelchair accessible (as it already has 2 entrance/exits that are accessible)
- promote healthy living, well-being and a place to learn social skills
- become a community gathering place

We hope that you, the District of Port Hardy, are as eager as we are to see this change within our community,

Sincerely,


Marian, Krista and Jayna (15 months old) Minar



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gloria Le Gal, DCS
SUBJECT: Seaplane Base Operations Contract
DATE: 17 May, 2012

As requested, the proposed contract with Sea Legend Pilotage Ltd., Great Bear Nature Tours Ltd. and CBE Construction Ltd. is brought forward from In Camera for approval by Council.

Respectfully submitted,

Gloria Le Gal, DCS



DISTRICT OF PORT HARDY

This Agreement made the _____ day of _____ 2012.

AN AGREEMENT TO OPERATE THE DISTRICT OF PORT HARDY SEAPLANE BASE

An agreement between:

The District of Port Hardy
(the "District")
P.O. Box 68, Port Hardy, B.C. V0N 2P0

and:

Sea Legend Pilotage Ltd.
Great Bear Nature Tours Ltd.
CBE Construction Ltd.
(The Operators)
PO Box 5227 Port Hardy, B.C. V0N 2P0

1. DEFINITIONS

- 1.1 "District" to mean the District of Port Hardy.
- 1.2 "Operator" to mean Sea Legend Pilotage Ltd., Great Bear Nature Tours Ltd., CBE Construction Ltd.
- 1.3 "Seaplane Base" to mean the location and facility as shown on Appendix 1 to this agreement.

2. General Provisions

- 2.1 This agreement shall not be assigned without the written agreement of the District, and such agreement not to be unreasonably withheld. The District acknowledges that the Operator will operate the Seaplane Base and permit the use of the Seaplane Base.
- 2.2 This agreement shall commence on the 16th day of May, 2012 for a term of five (5) years with a renewable clause for a further five (5) years. The renewal may be exercised by written notice given by the District or the Operator to the other but the renewal term is subject to the termination rights in section 2.6.
- 2.3 The Director of Corporate Services of the District will be responsible for the general conduct of this agreement. The maintenance and adherence to operational plans as provided by the Operator will be overseen by the District's Public Works Department.
- 2.4 Inventory of District assets to be recorded and mutually agreed upon before commencement date.
- 2.5 It is mutually agreed that no commercial enterprise or operation will have exclusive

use of the Seaplane transient air float.

- 2.6 The District or the Operator can terminate this agreement upon One Hundred and Twenty (120) days written notice.
- 2.7 The payment in section 4.1 will be the annual payment for the first term. The payment for the second term, beginning May 16, 2017, will be the annual payment in the first term plus the cumulative Consumer Price Index for Canada over the first term (May 2012 to April 2017).
- 2.8 Notices shall be sent by prepaid registered mail to the addresses on Page 1 hereof, or such other address as a party may advise in writing. Notices shall be effective three days after mailing.
- 2.9 Within thirty (30) days of each anniversary of the commencement of this Agreement the District and the Operator shall meet to review the prior year's operation of the Seaplane Base.
- 2.10 The District and the Operator shall attempt to resolve any disputes regarding this Agreement or the operation of the Seaplane Base, by good faith negotiations. If such negotiations do not resolve the issue in dispute, either of the District or the Operator may refer the matter to arbitration. The arbitration shall be heard by a sole arbitrator and the rules of the *Commercial Arbitration Act* shall apply.
- 2.11 The Operator shall have full discretion as to the manner in which it operates the Seaplane Base, subject to the Operator's compliance with the provisions of this Agreement.
- 2.12 The District reserves the right to moor floats on the North West side of the Seaplane dock during, but not limited to the months of mid September to mid May inclusive, at no charge to the District.
- 2.13 Any questions as to whether a maintenance item falls under s.3.4 (major maintenance and repairs) or under s.4.10 (minor routine maintenance) shall be decided by mutual agreement between the Operator and the Director of Operations of the District. It is hereby agreed that the examples itemized in s. 4.10 shall be considered routine maintenance.
- 2.14 The Operators shall follow a maintenance plan as outlined on Schedule A attached.

3. District's Covenants

The District agrees to:

- 3.1 Provide (All Risks) insurance on the physical assets of the Seaplane Base.
- 3.2 Provide the Operator with exclusive management and grant an exclusive licence to occupy the Seaplane Base for the purposes of and for the term of this agreement, subject to the terms contained herein.
- 3.3 Assume responsibility for the sewer and water charges.

- 3.4 Subject to budgeting constraints, the District will consider all major maintenance, including structural repairs, of the Seaplane Base as required.
- 3.5 The District shall, at its cost:
 - i. pay all property taxes and water lot expenses in respect of the Seaplane Base;
 - ii. maintain and repair the beacon servicing the Seaplane Base, in good operational order;
 - iii. provide garbage bin containers located at Fishermans Wharf for disposal of Seaplane Base garbage.

4. **Operator Covenants**

The Operator Agrees to:

- 4.1 The Operator agrees to pay to the District the sum of twenty-four thousand dollars (\$24,000.00) per annum less the cost of liability insurance, to be adjusted annually, for the term of this agreement and payable in quarterly installments commencing May 16th, 2012.
- 4.2 The Operator will be completely responsible for claims against the District arising from the Operator's negligence.
- 4.3 The responsibility of the Operator for compliance with applicable Municipal, Provincial and Federal Bylaws, rules, regulations and statutes (applicable laws) shall be as follows:
 - i. the Operator shall be responsible for all matters of compliance with applicable laws as they relate to the physical assets forming the Seaplane Base, including their maintenance and repairs; and
 - ii. the Operator shall be responsible to operate its business at the Seaplane Base in compliance with all applicable laws and regulations.
- 4.4 Refer all legal matters with details, names and date of any incident or act that might reasonably lead to an insurance claim or litigation within twenty-four (24) hours of the Operator becoming aware of the incident to the Administrator of the District.
- 4.5 The Operator will provide a reasonable level of service to the users of the Seaplane Base to the satisfaction of the Director of Corporate Services.
- 4.6 Institute all practical procedures for the fuelling of aircraft consistent with accepted industry standards.
- 4.7 Provide and maintain at the expense of the Operator all telephone, communications systems and hydro required for the operation of the base.
- 4.8 Provide a rates and users fee and fuel prices schedule, not to exceed the District rates bylaw.
- 4.9 Carry out and provide for all regular maintenance, e.g.: painting, deck repair, railing repair, basic plumbing, to ensure the Seaplane Base is in a neat and tidy condition.
- 4.10 Provide a report on an annual basis to the District.

- i) A count of transient seaplanes, vessel traffic and operational highlights.
- ii) Maintenance reports including repairs undertaken and required repairs and maintenance.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

)	The Corporate Seal of
)	THE DISTRICT OF PORT HARDY
)	is hereto affixed in the presence of:
)	
Signed Sealed and Delivered)	
in the presence of:)	
)	
_____)	_____
Witness)	Mayor
)	
_____)	
Address)	
)	
_____)	
Occupation)	

Signed Sealed and Delivered
in the presence of:

_____)
Witness)

_____)
Address)

_____)
Occupation)

FOR THE CONTRACTOR:

Company Name

Authorized Signature

Print Name

Company Name

Authorized Signature

Print Name

Company Name

Authorized Signature

Print Name

SCHEDULE A

CONTRACTOR MAINTENANCE SCHEDULE

The goal of the maintenance schedule is to ensure a well maintained, vibrant waterfront operation that benefits both the community and the facility operators.

- Immediately repair any broken decking or public hazard.
- Paint lobby in 1st year of contract and maintain in good condition.
- Clean lobby, washrooms and offices on a minimum weekly basis or as needed.
- Supply and maintain a minimum of four hanging baskets.
- Keep gravel road surface raked and even.
- Mow, trim and edge grass at the base and entrance on an as needed basis.
- Power wash buildings, tanks, ramps and docks, at a minimum annually, or as needed.
- Painted surfaces: re-paint existing surfaces annually or as needed.
- Conduct and log regular weekly inspections of docks, ramps, anchors, buildings and fuel systems. Report any deficiencies immediately to the District.
- Ensure the facility is properly secured at all time.
- The contractor will not be responsible for dredging within the water lot.

The above list is a guide only, any omissions constituting maintenance should be addressed.



DISTRICT OF PORT HARDY INTEROFFICE MEMORANDUM

TO: Mayor & Council
FROM: Deb Clipperton, DFS
SUBJECT: 2011 Audited Financial Statements
DATE: May 17, 2012

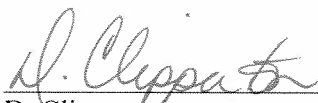
Background

Starting for the reporting period 2010, the Canadian Auditing Standards were updated to agree to International Auditing Standard. This means that Council must accept the draft financial statements before the auditors can issue the audit report.

Attached are the draft statements for 2011, once the statements are approved by Council our auditors Meyers Norris Penny will issue the final report.

Recommendation

THAT Council accept the draft 2011 Financial Statements.



D. Clipperton
Director of Financial Statements

DISTRICT OF PORT HARDY
Consolidated Statement of Financial Position
As at December 31, 2011

	2011	2010
Financial Assets		
Cash and cash equivalents (Note 2)	\$ 1,008,248	\$ 356,250
Accounts receivable (Note 3)	4,172,456	6,635,281
Loan receivable (Note 20)	38,333	-
Tax sale properties	78,946	5,822
Land held for resale	506	506
	<u>5,298,489</u>	<u>6,997,859</u>
Financial Liabilities		
Accounts payable and other liabilities (Note 4)	730,088	2,064,988
Tax sale properties deposits	56,647	20,414
Performance deposits and bonds (Note 5)	18,500	303,326
Deficit in Government business enterprise (Note 20)	16,538	-
Deferred revenue (Note 6)	530,913	480,095
Capital leases (Note 8)	1,377,593	960,831
Long-term debt (Note 9)	1,292,616	1,479,998
	<u>4,022,895</u>	<u>5,309,652</u>
Net Financial Assets	1,275,594	1,688,207
Non-financial Assets		
Tangible capital assets (Note 10)	40,892,777	38,491,144
Inventory	81,344	88,669
Prepays	15,990	14,960
	<u>40,990,111</u>	<u>38,594,773</u>
Accumulated Surplus (Schedule 3)	<u>\$ 42,265,705</u>	<u>\$ 40,282,980</u>

Commitments and Contingencies (Note 17)

D. Clipperton
Director of Financial Services

District of Port Hardy
Consolidated Statement of Operations
For the Year Ended December 31, 2011

Statement B

	(Note 13)		
	2011	2011	2010
	Actual	Budget	Actual
		Unaudited	
Revenue			
Taxes	\$ 2,236,667	\$ 2,218,882	\$ 2,149,268
Payments in lieu of taxes	147,034	151,956	143,367
Sewer user rates	938,523	1,022,280	895,435
Water user rates	1,222,373	1,374,300	1,241,915
Sale of services	1,480,125	1,259,007	1,099,623
Other revenue	413,120	298,938	359,587
Development contributions	1,213,698	3,015,500	574,750
Transfers from other governments	1,789,836	1,661,628	6,559,462
	<u>9,441,376</u>	<u>11,002,491</u>	<u>13,023,407</u>
Expenses			
General government services	940,579	866,114	864,643
Transportation services	1,568,976	1,560,086	1,277,462
Protective services	582,576	412,421	770,934
Environmental health services	246,608	219,261	238,135
Recreation services	1,233,330	1,236,131	1,202,041
Community development	209,963	280,619	242,711
Loss on investment in Government business enterprises (Note 20)	16,538	-	-
Water utility	1,301,013	1,267,675	1,255,252
Sewer utility	1,359,068	1,336,780	1,279,856
	<u>7,458,651</u>	<u>7,179,087</u>	<u>7,131,034</u>
Annual Surplus	<u>\$ 1,982,725</u>	<u>\$ 3,823,404</u>	<u>\$ 5,892,373</u>
Accumulated surplus at beginning of year	40,282,980	\$ 40,282,980	34,390,607
Accumulated surplus end of year	<u>\$ 42,265,705</u>	<u>\$ 44,106,384</u>	<u>\$ 40,282,980</u>

DISTRICT OF PORT HARDY
Consolidated Statement of Change in Net Financial Assets
As at December 31, 2011

	2011	(Note 13) Budget Unaudited 2011	2010
Annual Surplus	\$ 1,982,725	\$ 3,823,404	\$ 5,892,373
Acquisition of tangible capital assets	(2,723,521)	(2,469,700)	(7,472,284)
Amortization of tangible capital assets	1,509,655	1,470,000	1,347,962
Gain/loss on sale of tangible capital assets	20,910	-	-
Proceeds on sale of tangible capital assets	5,021	-	-
Development tangible capital asset contribution	(1,213,698)	(3,015,500)	(574,750)
	<u>(2,401,633)</u>	<u>(4,015,200)</u>	<u>(6,699,072)</u>
Acquisition of supplies inventories	-	-	(15,157)
Acquisition of prepaid expense	(15,990)	-	(14,960)
Consumption of supplies inventories	7,325	-	22,731
Use of prepaid expense	14,960	-	5,255
	<u>6,295</u>	<u>-</u>	<u>(2,131)</u>
Change in net financial assets	(412,613)	(191,796)	(808,830)
Net financial assets beginning of year	1,688,207	1,688,207	2,497,037
Net financial assets end of year	<u>\$ 1,275,594</u>	<u>\$ 1,496,411</u>	<u>\$ 1,688,207</u>

Consolidated Statement of Cash Flows

For the Year Ended December 31, 2011

	2011	2010
Cash Provided By (Used In)		
Operating Activities		
Annual Surplus	\$ 1,982,725	\$ 5,892,373
Increase (Decrease) in Non Financial Assets		
Amortization	1,509,655	1,347,960
Gain on disposal of assets	(40,000)	(3,000)
Loss on disposal of assets	20,910	-
Developer tangible capital asset contribution	(1,213,698)	-
Change in inventory	7,325	7,574
Change in operating lease to capital lease	-	13,444
Change in prepaids	(1,030)	(9,705)
	<u>2,265,887</u>	<u>7,248,646</u>
(Increase) Decrease in Financial Assets and Liabilities		
Change in accounts receivable	2,462,825	(5,077,766)
Change in loan receivable	(38,333)	-
Change in accounts payable	(1,334,901)	1,234,566
Change in tax sale properties	(73,124)	126,447
Change in tax sale deposits	36,233	(207,226)
Change in performance deposits and bonds	(284,826)	293,326
Change in Government business enterprise	16,538	-
Change in actuarial	(20,800)	(13,593)
Change in deferred revenue	50,818	(778,080)
Cash provided by operating transactions	<u>3,080,317</u>	<u>2,826,320</u>
Capital Activities		
Acquisition of tangible capital assets	(1,993,509)	(8,057,476)
Proceeds on sale of tangible capital assets	5,021	-
	<u>(1,988,488)</u>	<u>(8,057,476)</u>
Financing Activities		
Capital lease repaid	(273,249)	(167,723)
Debenture debt repaid	(166,582)	(166,582)
	<u>(439,831)</u>	<u>(334,305)</u>
Net increase (decrease) in cash position	651,998	(5,565,461)
Cash, beginning of year	356,250	5,921,711
Cash, end of year	<u>\$ 1,008,248</u>	<u>\$ 356,250</u>
Represented by		
Cash	\$ 157,143	\$ 164,435
Investments	851,105	191,815
	<u>\$ 1,008,248</u>	<u>\$ 356,250</u>
Supplemental information		
Interest paid	\$ 140,905	\$ 111,469
Interest received	\$ 20,595	\$ 47,225

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

The District of Port Hardy was incorporated in 1966 under the provisions of the *British Columbia Municipal Act*. Its principal activities are the provision of local government services to the residents of the Municipality. These services include general government administration, by-law enforcement, planning and land use, building inspection, fire protection, parks and recreation, water distribution and sewer collection, wastewater disposal, garbage and recycling services and road and street maintenance.

1. Significant Accounting Policies:

a) Basis of Presentation

The District of Port Hardy follows accounting principles accepted for British Columbia municipalities and applies these principles consistently. The consolidated financial statements have been prepared in accordance with Canadian public sector accounting standards as prescribed by the Public Sector Accounting Board (PSAB) of the Canadian Institute of Chartered Accountants (CICA). The consolidated Financial Statements reflect the combined results and activities of the reporting entity which is comprised of the General, Water and Sewer, Operating, Capital and Reserve funds. Inter-fund transactions have been eliminated on consolidation.

b) Revenue Recognition

Sources of revenue are recorded on the accrual basis and include revenue in the period in which the transaction or events occurred. Taxation revenues are recognized at the time of issuing the property tax notices for the fiscal year. Sale of services and user fee revenues are recognized when the service or product is rendered by the District. Capital grants and developer contributions are recognized when the related expenditure is incurred. Amounts received in advance of services being rendered are recorded as deferred revenue until the obligations that led to the collection of funds has been discharged.

c) Inventory

Inventory held for resale which includes property and chattels are recorded at accrued property tax revenue, interest, penalties, cost of chattels and carrying costs less a provision for potential shortfall of proceeds from a sale or conversion. Inventory for resale is recorded at lower of cost or net realizable value as a financial asset. Inventory of supplies are recorded at the lower of cost or net realizable value as a non-financial asset.

d) Financial Instruments

The Municipality's financial instruments consist of cash, cash equivalents, accounts receivable, loan receivable, accounts payable, other liabilities, performance deposit and bonds and long-term debt. It is management's opinion that the Municipality is not exposed to significant interest, currency or credit risk arising from these financial instruments.

e) Accrued Employee Benefits

Accrued employee benefits include an allowance for sick leave, vacation and severance benefits. These benefits are based on obligations as determined by collective agreements and contractual arrangements. Allowances for sick leave and vacation entitlement are recorded in the year in which they are earned. Severance benefits are recorded in the year in which the benefits are negotiated.

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

f) Use of Estimates

The preparation of consolidated financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the reported amounts of revenues and expenses during the period. Significant areas requiring estimates include the determination of collectability of accounts receivable, accrued payroll liabilities, tangible capital assets and provisions for contingencies. Accounts receivable are stated after evaluation of their collectability. Amortization is based on the estimated useful lives of tangible capital assets.

These estimates and assumptions are reviewed periodically and, as adjustments become necessary, they are reported in earnings in the periods in which they become known.

g) Tangible Capital Assets

Tangible capital assets are recorded at cost, net of disposals, write-downs and amortization. Tangible capital asset expenses exceeding the thresholds per major category are capitalized. The average useful life is applied straight line to calculate amortization. Amortization is taken at one-half of the calculated amount in the year of acquisition and/or disposal.

<u>Asset</u>	<u>Average Useful Life</u>
Land	Indefinite
Land Improvements	10 - 40 years
Buildings	20 - 80 years
Equipment	5 - 25 years
Engineering Structures	
Roads	10 - 60 years
Water	8 - 100 years
Sewer	8 - 100 years

Carrying costs directly attributable to the acquisition, construction or development activity are capitalized to the point in time the asset is substantially complete and ready for use. Contributed tangible capital assets are recorded at their fair value on the date of contribution. Assets under construction are not amortized until the asset is in use.

h) Recent Accounting Pronouncements

In February 2010, the Public Sector Accounting Board (PSAB) issued PS 3510 *Tax Revenue* to provide guidance on how to account for and report tax revenue in Municipal financial statements. This section establishes recognition, measurement, presentation and disclosure requirements for tax revenue. PS 3150 is effective for fiscal years beginning on or after April 1, 2012. The District does not expect the adoption of the new section to have a material impact on its consolidated financial statements.

In June 2010, the Public Sector Accounting Board issued PS 3260 *Liability for contaminated sites* to establish recognition, measurement and disclosure standards for liabilities associated with the remediation of contaminated sites. The new section defines activities included in a liability for remediation, establishes when to recognize and how to measure a liability for remediation, and provides the related financial statement presentation and disclosure requirements. PS 3260 is effective for fiscal years beginning on or after April 1, 2014. The District has not yet determined the effect of the new section on its consolidated financial statements.

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

In March 2011, the Public Sector Accounting Board replaced and revised existing section PS 3410 *Government Transfers* with a newly amended section PS 3410. Newly issued PS 3410 establishes standards on how to account for and report government transfers to individuals, organization and other governments from both a transferring government and a recipient government perspective. This section permits a recipient government to recognize government transfers as revenue when the transfer is authorized by the transferring government, unless the transfer creates a liability for the recipient. A liability is created as a result of the recipient government not yet meeting eligibility criteria or the existence of stipulations in the transfer agreement. When a government transfer results in recognition of a liability, revenue is recognized by a recipient government as the liability is settled. A transferring government recognizes an expense when the transfer is authorized and the recipient has met all eligibility criteria. Newly revised and issued PS 3410 may be applied prospectively or retroactively and is effective for fiscal years beginning on or after April 1, 2012; however, earlier adoption is encouraged. PS 3410 will be applied prospectively and the District does not expect the adoption of the newly issued section to have a material impact on its consolidated financial statements.

2. Cash and Investments

	2011	2010
General Revenue Fund	\$ 996,779	\$ 344,898
Reserve Accounts	11,469	11,352
	<u>\$ 1,008,248</u>	<u>\$ 356,250</u>

The above balances include Municipal Finance Authority money market account \$851,104 (2010 - \$191,815), carried at cost, which is also equal to market value.

3. Accounts Receivable

	2011	2010
Property taxes	\$ 620,281	\$ 606,786
Other Governments	2,403,059	4,882,266
Trade and other	1,435,700	1,381,233
	4,459,040	6,870,285
Less allowance for doubtful accounts	(286,584)	(235,004)
	<u>\$ 4,172,456</u>	<u>\$ 6,635,281</u>

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

4. Accounts Payable and accrued liabilities

	<u>2011</u>	<u>2010</u>
Other Governments	\$ 152,745	\$ 91,839
Accrued wages and benefits	218,377	206,148
Trade and other	<u>358,966</u>	<u>1,767,001</u>
	<u>\$ 730,088</u>	<u>\$ 2,064,988</u>

5. Performance deposits and bonds

	<u>2011</u>	<u>2010</u>
Performance deposits	\$ 10,000	\$ 10,000
Other deposits	<u>8,500</u>	<u>293,326</u>
	<u>\$ 18,500</u>	<u>\$ 303,326</u>

6. Deferred Revenue

	<u>2011</u>	<u>2010</u>
Prepaid taxes	39,640	24,823
Prepaid fees and charges	48,548	54,857
Federal gas tax and other	<u>442,725</u>	<u>400,415</u>
	<u>\$ 530,913</u>	<u>\$ 480,095</u>

7. Federal Gas and Public Transit Funds

Gas Tax funding is provided by the Government of Canada and the use of the funding is restricted by the terms of a funding agreement between the District and the Union of British Columbia Municipalities. Gas Tax funding may be used towards designated public transit, community energy, water, wastewater, solid waste and capacity building projects, as specified in the funding agreements.

	<u>2011</u>	<u>2010</u>
Federal Gas Tax Agreement funds		
Opening balance of unspent funds	\$ 333,973	\$ 486,151
Add: Amount received during the year	204,071	204,089
Interest earned	3,966	3,733
Less: Amount spent on eligible projects	<u>(172,850)</u>	<u>(360,000)</u>
Closing balance of unspent funds	<u>\$ 369,160</u>	<u>\$ 333,973</u>

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

8. Capital Leases

The Municipality leases fire and rescue equipment and a water system under capital leases. The economic substance of the leases is that the Municipality is financing the acquisition of the assets through the leases and accordingly, they are recorded in the Municipality's tangible capital assets and liabilities.

Future minimum lease payments under the capital leases together with the balance of the obligations due:

2012	359,903
2013	298,810
2014	298,810
2015	455,262
2016	11,480
Total minimum lease payments	<u>1,424,265</u>
Less: amount representing interest	<u>(46,672)</u>
Obligations under capital lease	<u>\$ 1,377,593</u>

Total interest expense during the year was \$27,980 (2010 \$16,779) and interest rates ranged from 2.75% to 5.25% (2.75% to 5.25% in 2010).

9. Long-Term Debt

	Balance, Beginning of year	Additions	Principal Repayments	Balance, end of year
Sewer Fund				
MFA issue 102	<u>\$1,479,998</u>	\$ -	<u>(\$187,382)</u>	<u>\$1,292,616</u>

The following represents the principal repayments over the next five years:

2012	\$166,582
2013	166,582
2014	166,582
2015	166,582
2016	166,582
	<u>\$832,910</u>

This long-term debt is payable to the Municipal Finance Authority (MFA). The debt is repayable at \$166,582 plus interest (4.82%) per year.

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

10. Tangible Capital Assets (Schedule 2)

	<u>2011</u>	<u>2010</u>
Land and Improvements	\$ 4,060,267	\$ 3,980,728
Buildings	4,134,317	4,249,992
Furniture and Equipment	25,850	47,253
Vehicles and Machinery	1,759,469	1,568,794
Computer Hardware and software	2,909	238
Engineering Structures		
Roads	13,185,009	12,048,499
Water	6,990,535	6,100,139
Sewer	10,734,421	10,495,501
	<u>\$ 40,892,777</u>	<u>\$ 38,491,144</u>

The cost of capital assets under construction in 2010 is \$4,596,254 (\$6,824,309 in 2010).
The net book value of leased assets in 2011 is \$1,154,007 (\$791,095 in 2010)

Tangible capital assets include land under the District's roads, which is disclosed at a nominal amount. Art and historic treasures are displayed at various District facilities and consist of painting, historical photographs, sculptures, carvings and other cultural artifacts. These items have not been included in tangible capital assets due to the inability of estimating future benefits associated with such property.

11. Pension Liability

The Municipality and its employees contribute to the Municipal Pension Plan (Plan), a jointly trustee pension plan. The Board of Trustees, representing plan members and employers, is responsible for overseeing the management of the Plan, including investment of the assets and administration of benefits. The pension plan is a multi-employer contributory pension plan. Basic pension benefits provided are defined. The plan has about 173,000 active members and approximately 63,000 retired members. Active members include approximately 35,000 contributors from local governments.

The latest valuation as at December 31, 2009 indicated an unfunded liability of \$1.024 billion for basic pension benefits. The next valuation will be as at December 31, 2012 with results available in 2013. Defined contribution plan accounting is applied to the Plan as the Plan exposes the participating entities to actuarial risks associated with the current and former employees of other entities, with the result that there is no consistent and reliable basis for allocating the obligation, Plan assets and cost to individual entities participating in the Plan

The District of Port Hardy paid \$102,378 (2010-\$98,153) for employer contributions while employees contributed \$83,665 (2010 - \$77,806) to the plan in fiscal 2011.

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

12. Contractual Obligations

As a part of its ongoing operations, the Municipality is involved with projects that require it to enter into contractual obligations. At December 31, 2011, the significant obligations are:

- Payments to EPCOR Water Services Inc. for \$1,141,000 annually (with allowance for inflationary adjustments) for 17 years for water treatment/distribution and wastewater collection/treatment services beginning in 2002.

13. Budget Figures

The budget amounts presented throughout these financial statements are based on the Five Year Financial Plan bylaw adopted by Council on May 10, 2011, except in regard to budget amounts for amortization and tangible capital assets.

Adjustments to 2011- 2015 Financial Plan Annual Surplus

Annual surplus, as adopted May 10, 2011	\$ nil
Add:	
Reversal of capital asset purchases	2,469,700
Reversal of debt principal repayment	492,074
Interfund transfers	981,630
Less:	
Debenture debt issue	<u>(120,000)</u>
Annual surplus restated	<u>\$3,823,404</u>

14. Collections for Other Governments

The District is required to collect taxes on behalf of and transfer these amounts to the governments and/or its agencies noted below. These sums are not included in the schedules to these statements.

	<u>2011</u>	<u>2010</u>
School District 85	\$ 1,364,597	\$ 1,344,058
Mount Waddington Regional District	431,818	389,714
Mount Waddington Regional Hospital District	148,476	125,435
B.C. Assessment Authority	29,079	29,993
Municipal Finance Authority	85	83
Provincial Government - Police Tax	156,463	146,632
	<u>\$ 2,130,518</u>	<u>\$ 2,035,915</u>

15. Trust Funds

The District operates the cemetery and maintains a cemetery perpetual care fund in accordance with the Cremation, Interment and Funeral Services Act. The trust fund assets and liabilities are not included in the consolidated financial statements. At December 31, 2011, the balance of funds held in trust was \$29,753 (2010 - \$28,961).

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

The District operates the Fisherman's Wharf for the Department of Fisheries and Oceans and acts as project manager for the capital items constructed. The assets and liabilities of the operations are not included in the consolidated financial statements. At December 31, 2011, the District did not hold in trust funds for DFO (2010 - \$nil).

16. Payroll Benefits

Full-time permanent employees receive their full sick bank up to 60 days upon retirement or one third upon termination. There are no additional liabilities accrued for these amounts as they are included in the sick leave and vacation liability accounts. Specified officers of the District are entitled to severance benefits. This liability is recorded as the severance benefits are negotiated. The reported liability reflects the likelihood that employees will become eligible for this benefit.

Vacation liability at December 31, 2011 is \$21,820 (2010 - \$22,417).
Sick leave liability at December 31, 2011 is \$95,514 (2010 - \$82,576).
Severance liability at December 31, 2011 is \$32,963 (2010 - \$29,619).

17. Commitments and Contingencies

- a) The District is responsible, as a member of the Mount Waddington Regional District, for its portion of any operating deficits or long-term debt related function in which it participates.
- b) Each year the District is involved in certain legal actions. Financial implications of potential claims against the District, resulting from such litigation and not covered by insurance, are accrued to the extent that amounts can be reasonably estimated. Otherwise, such claims are recognized in the year in which a definitive obligation is determined.
- c) The District is a subscribed member of the Municipal Insurance Association of British Columbia as provided by section 3.02 of the Insurance Act of the Province of British Columbia ("The Exchange"). The main purpose of the Exchange is to pool the risks of liability so as to lessen the impact upon any subscriber. Under the Reciprocal Insurance Exchange Agreement, the District is assessed a premium and a specific deductible for claims is based on population. The obligation of the District with respect to the Exchange and/or contract and obligation entered into by the Exchange on behalf of its subscribers in connection with the Exchange are in every case several, not joint and several. The District irrevocably and unconditionally undertakes and agrees to indemnify and save harmless the other subscribers against liability losses and costs which the other subscriber may suffer.

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

18. Deposit and Reserve – Municipal Finance Authority

The District issues certain of its debt instruments through the Municipal Finance Authority of *British Columbia (the Authority)*. As a condition of these borrowings and as required by legislation, a debt reserve fund is to be established in the amount of one-half the average annual installment of principal and interest as set out in the agreement(s) entered into. The reserve is funded in part by cash, being the withholding of 1% of the total issue proceeds, and the remainder being funded by a demand note whereby the District may be required to loan certain amounts to the Municipal Finance Authority. These demand notes are contingent in nature and are not reflected in the accounts of the District.

Details of the cash deposits and contingent demand notes on hand are:

	Cash Deposits	Contingent Demand Notes
Sewer Fund		
2010	<u>\$22,277</u>	<u>\$111,874</u>
2011	<u>\$23,036</u>	<u>\$111,874</u>

19. Segmented Information

For management reporting purposes the District's operations and activities are organized and reported by Fund. Funds were created for the purpose of recording specific activities to attain certain objectives in accordance with special regulation, restriction or limitations. District services are provided by departments and their activities are reported in the funds. Certain departments that have been separately disclosed in the segmented information on Schedule 1, along with the services they provide, are as follows:

Protection

Protection is comprised of the Volunteer Fire Department, the Emergency Preparedness coordinator, building inspection and bylaw enforcement.

Community Development

The Community development department provides economic development services. These services consist of downtown revitalization, grant proposals and new business and development.

Recreation & Culture

The Recreation and Culture department provides recreation and leisure services such as fitness and aquatic programs, the library and the museum.

Waste Management

This service is for the collection and disposal of solid waste and maintenance of the recycling depot.

Public Works

The Public Works department delivers the municipal services related to maintenance of the roads, sidewalks, parks, open space, street lighting and storm drains.

General Government

Provide services related to corporate and legislative administration, governance, financial management, human resources and information technology.

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

Water

The water department is responsible for the water treatment plant and distribution system.

Sewer

The waste water department is responsible for the treatment and collection system for waste water.

For each reported segment, revenues and expenses represent amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. The General Revenue Fund reports on municipal services that are funded by taxation. The taxes are apportioned to the fund services based on the net surplus.

20. Investment in Government Businesses

The investment in the North Island Community Forest Limited Partnership (NICFLP) is reported as a government business partnership and North Island Community Forest Ltd. (NICF LTD) as a government business enterprise. These businesses are accounted for using the modified equity method. Under this method, the government businesses' accounting principles are not adjusted to conform with those of the District and inter-corporate transactions are not eliminated.

The condensed supplementary financial information of The North Island Community Forest Limited Partnership is as follows:

	<u>2011</u>
<hr/>	
Financial Position	
Current and other assets	\$127,485
Current and other liabilities	177,050
Partners' capital	(49,565)
Net assets	\$127,485
Results of Operations	
Revenues	\$ 9,678
Expenses	<u>74,293</u>
Net loss	\$ (64,615)

During the year the District loaned the NICFLP \$38,333. The loan is unsecured, non-interest bearing and due on or before December 31, 2015.

Summary of investment in Government Businesses	<u>2011</u>
NICFLP	\$16,323
NICF LTD.	<u>215</u>
	<u>\$16,538</u>
Summary of results of operations	
NICFLP	\$ (21,323)
NICF LTD.	(215)
Other adjustments	<u>5,000</u>
	<u>\$(16,538)</u>

DISTRICT OF PORT HARDY
Notes to the Consolidated Financial Statements
Year Ended December 31, 2011

21. Comparative Figures

Certain comparative figures have been reclassified to conform with the current year's presentation.

DISTRICT OF PORT HARDY
Consolidated Schedule of Segmented Disclosure
For the year ended December 31, 2011

Schedule 1
 (Note 19)
 Page 1 of 2

	General Government		Transportation Services		Protection		Environmental Health Services		Recreation and Culture	
	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010
Revenues										
Taxation	\$ 2,236,667	\$ 2,149,268	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Payments in lieu of taxes	147,034	143,367	-	-	-	-	-	-	-	-
Sale of Service	-	-	234,860	233,802	34,443	47,300	269,038	252,239	207,649	195,836
Government Transfers	707,694	549,427	642,764	3,655,803	-	272,594	-	-	4,278	46,687
Development contributions	-	-	720,720	387,750	-	-	-	-	-	-
Actuarial recognized	-	-	-	-	-	-	-	-	-	-
Sundry	162,610	136,719	80,096	37,958	58,289	64,118	3,032	3,223	33,212	35,209
	<u>3,254,005</u>	<u>2,978,781</u>	<u>1,678,440</u>	<u>4,315,313</u>	<u>92,732</u>	<u>384,012</u>	<u>272,070</u>	<u>255,462</u>	<u>245,139</u>	<u>277,732</u>
Expenses										
Salaries & benefits	697,121	725,647	356,290	327,612	107,131	125,402	8,149	7,974	554,857	532,771
Goods & services	170,617	84,506	338,434	320,144	155,357	162,254	109,462	112,402	260,635	278,937
Contracted services	41,725	23,796	351,132	196,466	211,001	384,990	128,997	117,759	204,625	203,532
Interest	-	-	9,013	478	5,721	1,481	-	-	1,763	-
Loss Gov't business enterprise	-	-	-	-	-	-	-	-	-	-
Loss on disposal of assets	-	-	18,526	-	-	-	-	-	-	-
Amortization	31,116	30,694	495,581	432,762	103,366	96,807	-	-	211,450	186,801
	<u>940,579</u>	<u>864,643</u>	<u>1,568,976</u>	<u>1,277,462</u>	<u>582,576</u>	<u>770,934</u>	<u>246,608</u>	<u>238,135</u>	<u>1,233,330</u>	<u>1,202,041</u>
Net Surplus (Deficit)	\$ 2,313,426	\$ 2,114,138	\$ 109,464	\$ 3,037,851	\$ (489,844)	\$ (386,922)	\$ 25,462	\$ 17,327	\$ (988,191)	\$ (924,309)

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DISTRICT OF PORT HARDY
Consolidated Schedule of Segmented Disclosure
For the year ended December 31, 2011

	Community Development		Water		Sewer		Consolidated Actual		Budget Unaudited	
	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010
Revenues										
Taxation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,236,667	\$ 2,149,268	\$ 2,218,882	\$ 2,103,172
Payments in lieu of taxes	-	-	-	-	-	-	147,034	143,367	151,956	126,392
Sale of Service	-	-	1,432,653	1,368,866	1,462,378	1,138,929	3,641,021	3,236,972	3,655,587	3,340,690
Government Transfers	116,246	116,002	-	-	318,854	1,918,949	1,789,836	6,559,462	1,661,628	4,369,812
Development contributions	-	-	492,978	74,000	-	113,000	1,213,698	574,750	3,015,500	-
Actuarial recognized	-	-	-	-	20,800	13,593	20,800	13,593	-	-
Sundry	27,578	41,823	14,592	13,905	12,911	13,040	392,320	345,995	298,938	300,660
	<u>143,824</u>	<u>157,825</u>	<u>1,940,223</u>	<u>1,456,771</u>	<u>1,814,943</u>	<u>3,197,511</u>	<u>9,441,376</u>	<u>13,023,407</u>	<u>11,002,491</u>	<u>10,240,726</u>
Expenses										
Salaries & benefits	54,540	69,313	3,978	1,345	222	-	1,782,288	1,790,064	1,733,263	1,970,562
Goods & services	94,036	147,012	96,493	106,291	116,131	110,798	1,341,165	1,322,344	1,373,990	1,156,721
Contracted services	61,387	26,386	849,712	832,582	793,222	773,688	2,641,801	2,559,199	2,455,587	2,416,444
Interest	-	-	20,084	14,820	104,324	94,690	140,905	111,469	146,247	128,601
Loss Gov't business enterprise	16,538	-	-	-	-	-	16,538	-	-	-
Loss on disposal of assets	-	-	3,895	-	3,878	-	26,299	-	-	-
Amortization	-	-	326,851	300,214	341,291	300,680	1,509,655	1,347,958	1,470,000	1,340,000
	<u>226,501</u>	<u>242,711</u>	<u>1,301,013</u>	<u>1,255,252</u>	<u>1,359,068</u>	<u>1,279,856</u>	<u>7,458,651</u>	<u>7,131,034</u>	<u>7,179,087</u>	<u>7,012,328</u>
Net Surplus (Deficit)	\$ (82,677)	\$ (84,886)	\$ 639,210	\$ 201,519	\$ 455,875	\$ 1,917,655	\$ 1,982,725	\$ 5,892,373	\$ 3,823,404	\$ 3,228,398

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DISTRICT OF PORT HARDY
Consolidated Statement of Tangible Capital Assets
For the year ended December 31, 2011

	Engineering Structures							Total	2010
	Land & Improvements	Buildings	Furniture & Equipment	Vehicles & Machinery	Computer Hardware/Software	Roads	Water		
Cost									
Opening Balance	\$ 5,298,028	\$ 9,534,229	\$ 394,593	\$ 3,623,459	\$ 135,250	\$ 22,112,038	\$ 11,472,593	\$ 14,825,953	\$ 67,396,143
Add: Additions	22,950	83,602	-	390,065	-	1,447,124	1,166,824	455,520	3,566,085
Add: Construction-in-progress	118,194	23,572	2,500	-	2,908	41,441	54,317	128,201	371,133
Less: Disposals	-	(28,499)	-	(268,374)	-	(51,370)	(23,425)	(11,080)	(382,748)
Closing Balance	5,439,172	9,612,904	397,093	3,745,150	138,158	23,549,233	12,670,309	15,398,594	70,950,613
Accumulated Amortization									
Opening Balance	1,317,300	5,284,237	347,340	2,054,665	135,012	10,063,539	5,372,454	4,330,452	28,904,999
Add: Amortization	61,605	204,323	23,903	199,390	237	352,055	326,850	341,292	1,509,655
Less: Accum Amortization on Disposals	-	(9,973)	-	(268,374)	-	(51,370)	(19,530)	(7,571)	(356,818)
Closing Balance	1,378,905	5,478,587	371,243	1,985,681	135,249	10,364,224	5,679,774	4,664,173	28,904,999
Net Book Value for year ended December 31, 2011	\$ 4,060,267	\$ 4,134,317	\$ 25,850	\$ 1,759,469	\$ 2,909	\$ 13,185,009	\$ 6,990,535	\$ 10,734,421	\$ 40,892,777
									\$ 38,491,144

DISTRICT OF PORT HARDY
Consolidated Statement of Accumulated Surplus
As at December 31, 2011

	<u>2011</u>	<u>2010</u>
Surplus		
Invested in tangible capital assets	\$ 38,222,568	\$ 36,050,315
Operating funds	2,558,220	2,660,085
	<u>40,780,788</u>	<u>38,710,400</u>
Reserves		
Buildings	133,102	131,738
Computers	20,088	19,882
Equipment replacement	200,461	301,284
General capital works	208,583	206,446
Park development	37,294	36,912
Recreation facilities	135,646	134,256
Sidewalks and roads	273,407	270,606
Tax sale	16,468	16,299
	<u>1,025,049</u>	<u>1,117,423</u>
Water Reserve Fund		
Water capital works	155,680	154,085
Sewer Reserve Fund		
Sewer capital works	304,188	301,072
	<u>1,484,917</u>	<u>1,572,580</u>
Accumulated Surplus, End Of Year	<u>\$ 42,265,705</u>	<u>\$ 40,282,980</u>



DISTRICT OF PORT HARDY MEMORANDUM

TO: Rick Davidge, CAO
FROM: Gord Wolden, Recreation Facility Foreman
SUBJECT: Tender 1220-20-474(2012) Recreation Centre Whirlpool Construction
DATE: May 17, 2012

We have received three tender submissions for the Recreation Centre Whirlpool Construction. The District budgeted \$60,000 for the project.

Parr Construction	\$78,923.50	HST not included
Stevens Pools Ltd	\$84,250.00	HST not included
Alka Pools Ltd.	\$97,900.00	HST not included

An additional cost to upgrade the electrical system to accommodate the new whirl pool will cost \$3,450.00 HST not included

In January 2011 the District had a whirlpool upgrade feasibility study done which presented 3 options. Two were drop-in Fibreglass units with estimated project costs of \$35,000.00 and \$38,000.00 and the third was the recommended, pour in place concrete option at \$40,000.00. To date we have spent \$2,800.00 in engineering fees and drawings from past budgets, and \$4,420.00 for tender services drawn from the project budget.

Options:

- 1) An increase in the budget for the project will be necessary in order to proceed with the evaluation of the tenders submitted. That would require Council to approve an increase of \$30,000.00 to the budget for the Recreation Centre Whirlpool Construction. With this option I would recommend the lowest bidder, Parr Construction.
- 2) To reject all tenders and cancel the project. Confirm the pricing for installation of a fibreglass unit and work toward tendering that in 2013. Do what maintenance we can to continue use of our existing unit until then. For this option we would have to reinvest some engineering and tendering costs.

Direction required from council on how to proceed.


Gord Wolden



**DISTRICT OF PORT HARDY
BYLAW 08-2012**

**A Bylaw to Repeal the
Commission Establishing Bylaws**

GIVEN THAT the District of Port Hardy wishes to repeal the Commission Establishing Bylaws;
The Council of the District of Port Hardy in open meeting assembled, ENACTS as follows:

1. Title

- 1.1 This bylaw may be cited as the "District of Port Hardy Commission Repealing Bylaw No. 08-2012".

2.

- 2.1 The following bylaws are hereby repealed:
a) Joint Parks and Recreation Commission Bylaw No. 05-2009; and
b) Joint Advisory Planning and Harbours Commission Bylaw No. 06-2009.

Read a first time the 8th day of May, 2012.

Read a second time the 8th day of May, 2012.

Read a third time the 8th day of May, 2012.

Adopted the _ day of _, 2012.

Director of Corporate Services

Mayor



DISTRICT OF PORT HARDY
BYLAW 09-2012

A Bylaw to Regulate Vacant Properties

GIVEN THAT the District of Port Hardy wishes to regulate and impose requirements for the safeguarding and security of abandoned or unoccupied properties;

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

1. Title

- 1.1 This bylaw may be cited as the "District of Port Hardy Vacant Property Bylaw 09-2012".

2. Definitions

2.1 In this bylaw:

Abandoned Property means a building, structure or improvement which has remained unoccupied by its owner, tenant or other lawful occupier for a continuous period of over thirty (30) days;

Inspector means the person designated to act on behalf of the District to administer the building and plumbing regulations and includes:

- a) the Municipal Inspector;
- b) a Bylaw Officer;
- c) an officer, employee or representative of the District who is appointed under this bylaw;
- d) a peace officer; and
- e) the local assistant to the Fire Commissioner.

Owner has the same meaning as defined in the *Community Charter*.

Property means all real property, including but not limited to buildings, structures and improvements located on real property.

Undeveloped Property means real property that does not have any buildings, structures or improvements located on it.

Unoccupied means that:

- a) a building, structure or improvement is no longer used by the owner, tenant or other lawful occupier thereof for its accustomed and ordinary purpose for more than thirty days; and
- b) there is no apparent intention on the part of the owner, tenant or other lawful

occupier to resume occupancy of that building, structure or improvement.

3. Securing Abandoned Property

- 3.1 The owner of property that is or will become abandoned property must ensure that the property is secured against unauthorized entry or occupation, vandalism or other intentional damage or fire hazard by doing one or more of the following:
- a) affixing structural barriers to windows and other points of ingress using materials and installation that are effective in precluding easy entry;
 - b) installing security fencing or other perimeter barriers;
 - c) installing a security lighting system which does not impact neighbouring properties;
 - d) installing a security alarm system;
 - e) employing security or guard patrols on a frequent and periodic basis;
 - f) utilizing or installing other security measures or devices that are satisfactory to the Inspector.
- 3.2 The owner of abandoned property that has been damaged because of unauthorized entry or occupation must:
- a) make the repairs that are necessary as a result of the damage; and
 - b) install or take one or more of the security measures described in section 3.1 for the purpose of securing the property against further unauthorized entry, occupation and damage.
- 3.3 The owner of abandoned property where filth, refuse, garbage or other miscellaneous materials have been dumped or stored must:
- a) remove all materials that have been dumped or stored there; and
 - b) install or take one or more of the security measures described in section 3.1 for the purpose of securing the property against further dumping or storage of materials.
- 3.4 Where a vacant building or a building damaged by fire is boarded or required to be boarded:
- a) boarding materials shall be installed and maintained in good order;
 - b) unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or of equivalent weather-resistant material;
 - c) boarding materials shall be installed to exclude rain and wind from entering the building and to secure the building from unauthorized entry and shall be installed within the reveal of the opening frame or cladding, where feasible; and
 - d) boarding materials shall be selected, coated, coloured and installed to match surrounding door/window frames and exterior wall finishes.
- 3.5 Where a vacant building is unsecure from unauthorized entry to the extent that it cannot, in the opinion of an Inspector, be reasonably or effectively secured by

boarding or other means of repair, the building shall be demolished.

4. Buildings Damaged by Fire

- 4.1 Every owner shall ensure that a building damaged by fire is secured against unauthorized entry within twenty-four (24) hours after release of the property by the authority having jurisdiction.
- 4.2 Notwithstanding section 4.1, where, in the opinion of the Fire Chief or an Inspector, a building damaged by fire is in a condition that presents an immediate hazard to public safety, the owner shall ensure that the building damaged by fire is secured against unauthorized entry forthwith after release of the property by the authority having jurisdiction.

5. Inspection and Notice

- 5.1 Subject to the requirements of section 16 of the *Community Charter*, an Inspector may enter property at any reasonable time and in a reasonable manner for the purpose of inspecting and determining whether:
 - a) the property is abandoned property;
 - b) the owner has fulfilled the requirements of sections 3 and 4; and
 - c) the owner has fulfilled the requirements of a notice under subsection 5.2.
- 5.2 An Inspector may notify an owner of the requirement to repair or secure property or to remove filth, refuse, garbage or other miscellaneous materials in accordance with section 3 if the Inspector determines that:
 - a) the property is abandoned property; or
 - b) the property is undeveloped property; or
 - c) the abandoned property has not been repaired or secured in accordance with section 3.
- 5.3 An owner who receives a notice under subsection 5.2 must fulfill the notice's requirements to complete work within ten (10) days of receiving the notice.
- 5.4 An owner who disputes the notice requirements may be required to obtain a report from a structural engineer attesting to the structural integrity and safety of the building. Such report shall be completed at the owner's expense.
- 5.5 Within fourteen (14) days of the service of a notice under subsection 5.2, an owner may request a hearing by District Council.
- 5.6 Upon the conclusion of a hearing under subsection 5.5, Council may:
 - a) confirm the requirements of the notice under subsection 5.2;
 - b) extend the time in which the owner must undertake the action required by the notice given under subsection 5.2; or
 - c) where Council determines it is appropriate to do so, vary the action required to be taken by the owner and establish time limits within which the person appealing

must undertake the action.

- 5.7 A notice to complete work shall specify:
- a) the municipal address of the property;
 - b) the contravention of the bylaw and its location;
 - c) the date of the inspection;
 - d) the work ordered to be completed;
 - e) the date by which the work must be done; and
 - f) the right to appeal the notice to Council.
- 5.8 Where an Inspector, in his sole discretion, determines that measures taken pursuant to a notice are insufficient, subsequent notices may be issued requiring additional measures to be taken by the owner.

6. Fees For Attendance

- 6.1 Immediately on receiving an invoice from the District, an owner must pay to the District all fees as set out in the District User Rates and Fees Bylaw for investigation and inspection of the owner's abandoned property by an Inspector, personnel of the District's Fire Department or other District personnel, if the abandoned property has not been secured in accordance with this bylaw.
- 6.2 A fee under subsection 6.1 that is unpaid on December 31 in the year in which it is imposed must be added to and collected in the same manner as the District's property taxes.

7. District Work If Owner Defaults

- 7.1 If the owner fails within ten (10) days to secure the abandoned property in compliance with a notice received from the Inspector pursuant to section 5.2, the District or its contractors, employees or agents may enter onto the property and perform the required work to secure the abandoned property in accordance with this bylaw.
- 7.2 If the owner is unable, or fails, to protect the health and safety of persons and property with respect to the abandoned property, then the District may order the owner to remove the abandoned property on thirty (30) days notice by the District. If the owner does not remove the abandoned property within thirty (3) days of receiving the order, the District or its contractors, employees or agents may enter onto the property and perform the required work to remove the abandoned property and the cost of such removal may be added to the property taxes for the property. The owner may seek a reconsideration by Council of the order requiring the removal of the abandoned property within thirty (3) days of receiving the order by delivering written notice to the Corporate Officer.
- 7.3 Immediately on receiving an invoice from the District, an owner to whom subsections 7.1 or 7.2 applies must reimburse the District for its expenses incurred as a result of work performed under those subsections plus a twenty (20) per cent administration fee.

7.4 An amount that is owed by an owner under subsections 7.1 or 7.2 and that is unpaid on December 31 in the year in which it is imposed must be added to and collected in the same manner as the District's property taxes.

8. Undeveloped Property

8.1 The owner of undeveloped property where filth, refuse, garbage or other miscellaneous materials have been dumped or stored shall abide by and be regulated by sections 5, 6 and 7 of this bylaw.

9. Inclusivity

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

10. Severability

10.1 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.

11. Contravention and Penalties

11.1 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.

11.2 Any person found guilty of an infraction of any of the provisions of this bylaw shall, upon summary conviction, be liable to a minimum fine of One Hundred Dollars (\$100), which shall be recoverable and enforceable upon summary conviction in the manner provided by the *Offence Act*.

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

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

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

Adopted the _ day of _, 2012.

Director of Corporate Services

Mayor

Certified to be a true copy of District of Port Hardy
Vacant Property Bylaw 09 - 2012

Director of Corporate Services



DISTRICT OF PORT HARDY

BYLAW 10-2012

**A Bylaw to Amend Bylaw 14-2011
Being the User Rates and Fees for 2012**

WHEREAS the Council of the District of Port Hardy deems it expedient to amend a portion of Bylaw 14-2011;

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 User Rates and Fees for 2012 Amendment Bylaw 10-2012".

2. Authorization

Bylaw 14-2011 is amended as follows:

- a) Add Schedule R – Vacant Properties Rates as shown on Attachment A of this bylaw;
- b) Amend Schedule A - Water Rates as shown on Attachment B of this bylaw;

To add;

a) Any property owner who requires a turn on or off of service shall notify the District office 48 hours in advance except in the case of an emergency. There will be no charge for a turn on or off during regular working hours of 8:30a.m. – 4:30p.m.	
b) Any property owner who requires a turn on or off of service in the case of an emergency, or outside of the regular working hours shall at the same time pay the fee for each turning on or off.	\$ 75.00

And remove:

a) Any property owner who desires a turn off or on of service must give to the District office, seven (7) days notice in writing, except in the case of an emergency, and shall at the same time pay the fee for each turning off or on.	\$ 75.00
--	----------

- c) Amend Schedule E – Statutory Rates as shown on Attachment C of this bylaw;

To add:

17	Administration Cost for Unpaid Accounts An administration fee of 33.3% will be added to the account balance of all unpaid accounts after 30 days.
----	--

And remove:

17	Collection Costs for Unpaid Accounts All additional charges incurred in the collection of unpaid accounts will be added to the account balance, including but not limited to: collection agency fees, registration fees, legal and court costs.
----	---

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 on the _ day of _, 2012.

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

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

Adopted by the Municipal Council on the _ day of _, 2012.

DIRECTOR
OF CORPORATE SERVICES

MAYOR

Attachment A

SCHEDULE R – Vacant Properties Rates

Initial investigation and inspection of property, including attendance by Inspector	Actual costs incurred for related labour, materials or equipment plus 20% administration costs
Inspection Contractor/Professional, including attendance by Inspector	Actual costs incurred plus 20% administration costs
Subsequent inspections	\$100 plus hourly departmental charge out rate
District work if owner defaults	Actual costs incurred for related labour, materials or equipment plus 20% administration costs

Attachment B

SCHEDULE A - WATER RATES

1. Inspection, Connection, Turn Water On/Off Fees		
a) Any property owner who requires a turn on or off of service shall notify the District office 48 hours in advance except in the case of an emergency. There will be no charge for a turn on or off during regular working hours of 8:30a.m. – 4:30p.m.		
b) Any property owner who requires a turn on or off of service in the case of an emergency, or outside of the regular working hours shall at the same time pay the fee for each turning on or off.		\$ 75.00
c) Where installation of a water connection exists the fee for inspection of a standard 18mm (3/4") connection will be:		\$ 75.00
d) Application for any water service will be subject to: i. Initial application analysis fee (may be combined with sewer/storm sewer application analysis fee). ii. Connection fees (all sizes) shall be charged on the basis of the actual cost of the work necessary including but not limited to all pavement, sidewalk, cut/replacement, and boulevard work, with an initial deposit of 125% of the cost of the work as estimated by EPCOR Water Services, with any excess amount billed at the time the work is complete, or any surplus fees refunded upon reconciliation of the account. The application fee will be deducted from the actual costs of the job.		\$475.00 At cost
2. Seniors Discount Property owners who are Seniors shall receive a discount on all or any portion of a current billing if paid by the quarterly due date. This applies only to the principal place of residence. Senior means a person who is 65 years of age or older and who meets the grant eligibility requirements as defined by the <i>Home Owners Grant Act</i> .		25%
3. Quarterly Rates The rates reflected in this schedule are based on a flat rate billing system.		Rate per Quarter
1	For each single residential dwelling unit	\$ 97.33
2	For each metered multi-family residence in excess of two (2) units the greater of:	\$ 0.92 per cubic meter OR \$82.53 per unit
3	For each office, shop or store	\$ 103.95
4	For each supermarket	\$ 225.86
5	For each bakery	\$ 103.95
6	For each restaurant	\$ 329.97
7	For each lunch room or delicatessen	\$ 141.62
8	For each soda fountain or hot dog stand	\$ 103.95
9	For each hotel/motel - per unit	\$ 18.24
10	For each lounge	\$ 274.85
11	For each beer parlour	\$ 338.33
12	For each Laundromat - per washer	\$ 31.58
13	For each non-profit organization and hall	\$ 103.95
14	For each athletic club	\$ 329.97
15	For each theatre	\$ 103.95
16	For each school - per classroom	\$ 97.47

Attachment B continued
SCHEDULE A - WATER RATES
(continued)

17	Light Industrial	
	5 employees or less	\$ 103.95
	6 - 15 employees	\$ 235.55
	16 - 30 employees	\$ 376.00
	Large water users	\$ 588.67
18	For each service station/garage	\$ 103.95
19	For each car wash	
	For 1st stall	\$ 215.22
	Each additional stall	\$ 64.28
20	For each industrial metered user, for consumption in the same calendar year:	
	a) First 3,000 m ³	\$ 0.85/m ³
	b) From 3,001 to 6,000 m ³	\$ 1.09/m ³
	c) More than 6,000 m ³	\$ 0.64/m ³
21	For each marina	\$ 292.75
22	For each campground - per stall	\$ 8.00
23	Other users	\$ 104.75
24	Hydrant Use (Damage deposit of \$250.00. Inspection fee of \$100.00 shall be levied against persons using a fire hydrant where no repairs are needed)	\$ 36.23 \$ 1/m ³ for water used
25	For each airport hangar	\$ 237.42
26	Underground sprinkling services over one acre for months of June, July & August - per sprinkler head	\$ 7.13
27	For each airport terminal building	\$ 464.58
28	Each wharf providing water to vessels	\$ 104.87
29	For each sawmill	\$ 237.42
30	For each drycleaner	\$ 237.42
31	Each car dealership with a non-commercial car wash stall	\$ 64.77
32	Seagate Pier large vessel meter	\$ 0.87/ m ³
33	Pool	\$ 316.37
34	Arena	\$ 220.88
35	Hospital - per bed	\$ 22.54
36	Fish Hatchery	\$ 88.23
37	Sani Station	\$ 88.23

4. Multi-Meter Rider

- a) Applicable: This Rider is available to those customers who have more than one water meter and water service supplying their water demand.
- b) Price: This will consist of a discount generated by totaling all water meters annual consumption and treating the consumption as one, for purposes of calculating the metered water charge.

Attachment B continued

**SCHEDULE A - WATER RATES
(continued)**

- c) Regulations: To be eligible, customers must submit a request in writing. The District of Port Hardy reserves the right to accept or deny any request. The amount and duration of this Rider will be at the District's discretion. Only one Rider will be applied to any one customer at any time.
 - (i) All water meters must supply the same or adjoining building or non-adjoining buildings located on the same property (same legal description).
 - (ii) All water meters must be in account to the same customer.
 - (iii) Water meter bank installations associated with one water service will not be considered.
 - (iv) All water meters must be associated with a separate water service.

Attachment C

SCHEDULE E - STATUTORY RATES
 Rates do not include applicable taxes.

1.	List of Electors The fee per copy of a List of Electors shall be as noted, except where a candidate at an election is entitled to one free copy.	\$ 10.00
2.	Minutes of Council Proceedings As provided under Section 194(2) of the Community Charter the fee for copies of Minutes of Council proceedings shall be hereby established.	\$ 0.25 per page
3.	Copies of Bylaws Pursuant to Section 194 of the <i>Community Charter</i> the following charges shall apply for:	
	a) Zoning Bylaw (Text and Map)	\$ 35.00
	b) Zoning Bylaw (Text only)	\$ 15.00
	c) Official Community Plan Bylaw (Text and Maps)	\$ 35.00
	d) Official Community Plan Bylaw (Text only)	\$ 15.00
	e) Copies of all other bylaws shall be provided for a fee of	\$ 0.25 per page
	f) Subdivision Bylaw	\$ 18.00
4.	Tax Certificate The collector shall provide tax certificates as provided under Section 249 of the <i>Community Charter</i> for the fee established.	\$ 25.00
5.	Request for Prior Years Taxes Levied	\$ 15.00
6.	Mortgage Company Listings	\$ 5.00 / folio
7.	Cost to issue a refund cheque	\$ 10.00
8.	Reports	
	a) Business License Print-out	
	On paper	\$ 30.00
	On electronic media	\$ 15.00
	b) Photocopies	
	8-1/2" x 11"	\$ 0.25 per page
	8-1/2" x 14"	\$ 0.25 per page
	11" x 17"	\$ 0.30 per page
	c) Maps	
	Zoning Map	\$ 22.00
	Boundary Map	\$ 22.00
	OCP or legal map	\$ 22.00
	Civic Street Map	\$ 22.00
	Courier for all maps	\$ 25.00
9.	NSF cheques returned	\$ 25.00
10.	Council and Committee-of-the-Whole agenda	\$ 0.25/page or \$10.00 /agenda
11.	Tree Cutting permits	
	1 - 10 trees	\$ 25.00
	11 - 20 trees	\$ 50.00
	21 or more trees	\$ 100.00
12.	Parks and Beach permit	
	Commercial rental fee	\$ 30.00 per day
	Clean up deposit	\$ 50.00
13.	Storage fees for impounded vehicles or vessels	
	Single vehicle or vessel six metres in length or less	Cost + 15%
	Single vehicle or vessel over six metres in length	Cost + 15%
	For a vehicle and trailer of any length	Cost + 15%

Attachment C continued

SCHEDULE E - STATUTORY RATES

(continued)

Rates do not include applicable taxes

14.	Permit to water new lawn outside permitted days	\$ 20.00
15.	Commemorative Benches	
	(a) Bench, plaque and installation	\$1,050.00
	(b) Commemorative tree or shrub and plaque	\$ 600.00 plus tree /shrub
	(c) Other items	\$ 500.00 plus cost of item and concrete
16.	Search for information and records, other than Freedom of Information Request	
	(a) for locating or retrieving a record	\$ 7.50 per 1/4 hour
	(b) for producing a record manually	\$ 7.50 per 1/4 hour
	(c) for preparing a record for disclosure	\$ 7.50 per 1/4 hour
	(d) for shipping copies	actual costs of courier
	(e) for copying records	
	(f) photocopies and computer printouts	
	8.5" x 11", 8.5" x 14"	\$ 0.25 per page
	11" x 17"	\$ 0.30 per page
	(ii) electronic media	\$ 15.00
	(iii) Photographs	
	Scanning & emailing an 8" x 10"	\$ 10.00
	over 8" x 10"	\$ 10.00 & costs
	(iv) building plans	actual cost plus \$10.00 administration fee
	Deposit for any plans that require out of office printing	\$ 500.00
17.	Administration Cost for Unpaid Accounts An administration fee of 33.3% will be added to the account balance of all unpaid accounts after 30 days.	



**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 4.2, 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 4.2 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 The minimum area for keeping large livestock animals will be 0.40 hectares (1 acre of land) for the first large animal and at least 0.20 hectares ($\frac{1}{2}$ acre) for each additional large animal, with all land being in one location.
- 11.3 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.
- 11.4 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 10.2, 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 10.2, the fencing may be a minimum of three (3) strands barbed 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 of 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 _ day of __, 2012.

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

Read a third time the _ day of __, 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

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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