



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

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

***Amended: Bylaw No. 1033-2014 October 2014  
Bylaw No. 1133-2021 June 2021  
Bylaw No. 1159-2023 March 2023  
Consolidated for Convenience only***

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 and enforce the regulations of this Bylaw, including those matters pertaining to operation of the District of Port Hardy's Animal Shelter.

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

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*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.

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

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*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 that:

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

*District* means the Corporation of the District of Port Hardy.

*Dog* means a male or female domesticated dog.

*Harboured* means an animal that is fed and/ or sheltered for 72 hours or more.

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*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.~~

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*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 30<sup>th</sup> 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 31<sup>st</sup> day of December of each year.

#### **4. Responsibilities of Owners – Animal Control**

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

- c) more than a combined maximum of four (4) such animals.
- b) A permit is required should an owner or occupier of a dwelling unit, wish to keep or allow to be kept in a residential dwelling unit or on or within the associated legal parcel of land, animals greater in number than set out in section 4.9(a).
- c) Not more than one additional animal can be permitted in excess of the number set out in section 4.9(a).
- d) An application to keep an additional animal shall be made in the form prescribed from time to time by the District.
- e) Permits expire on the anniversary date, and a new application is required to be submitted for consideration by the District on an annual basis.
- f) The CAO, or their designate, is authorized to review the permit application and, based on their opinion, choose to approve, refuse, or revoke a permit.
- g) Consideration of permit applications shall take into account the following:
  - i) Whether the applicant is a new or existing resident of the community;
  - ii) The type, size, and disposition of one or all of the animals;
  - iii) The approximate duration of time that the additional animal is expected to be kept;
  - iv) The potential for associated impact of an additional animal on the quiet enjoyment of adjacent property owners due to noise, smell, trespass, or another occurrence;
  - v) The rationale for requesting an additional animal; and,
  - vi) Other matters considered pertinent by the CAO.

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

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

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

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

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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 may be undertaken by an Animal Control Officer, Bylaw Enforcement Officer or a Peace Officer. An owner of dog that has been declared a dangerous dog will be contacted promptly upon classification as such. Amended  
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- 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 An Animal Control Officer, Bylaw Enforcement Officer or a Peace Officer may take the necessary steps to enter on any premises and seize and impound a dangerous dog and may apply to the Provincial Court within 21 days of impoundment of the dangerous dog for an order that the dangerous dog be destroyed. Amended  
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- 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 an Animal Control Officer, Bylaw Enforcement Officer or Peace Officer has made an application to the Provincial Court for an order that a dangerous dog be destroyed, or the Animal Control Officer has determined that the dangerous dog suffers from rabies or other incurable disease and is to be destroyed, or the dangerous dog is in isolation after having bitten a person or domestic animal, the owner of a dangerous dog impounded pursuant to this Bylaw may reclaim such dangerous dog at any time before its destruction, on application to the Animal Control Officer. The applicant must show proof of ownership of the dangerous dog, make payment of all fees, costs and charges incurred in respect of the seizure and impoundment, boarding or maintenance, together with any applicable licensing.

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## **9. Female Dog in Heat**

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

## **10. Breeders and Owners of Show Animals**

- 10.1 The owner of an unneutered dog or cat kept for show purposes must provide proof that the animal is a registered show animal.
- 10.2 Every owner of an unneutered dog or cat must ensure that the dog or cat is not permitted to be running at large within the District.
- 10.3 No female dog or cat shall:
- a) be mated if it is less than one year old;
  - b) give birth to more than six litters; and

- c) give birth before the end of the period of twelve months beginning with the day on which it last gave birth.

10.4 Accurate breeding and care records shall be kept by the Breeder and made available for inspection by any officer of the municipality, a Special Provincial Constable of the British Columbia Society for the Prevention of Cruelty to Animals or a licensed veterinarian, authorized by the local authority to inspect the premises.

## **11. Regulations for the Keeping of Livestock**

11.1 The keeping of both large and small livestock for hobby farm purposes will be permitted in the appropriate zone, provided there are not any health or environmental problems.

11.2 No cows, horses or other large livestock shall be kept in the District within 60 metres (200 feet) of a neighbour's premises occupied as a dwelling.

11.3 The owner, possessor or harbourer of large or small livestock shall not permit animal excrement to accumulate in such manner as to be offensive to smell or to be unsanitary. Animal excrement shall be disposed of regularly. If a nuisance or health problem arises such disposal shall be in a manner approved by the Environmental Health Officer.

## **12. Fencing of Livestock**

12.1 Where livestock is kept in open fields, the owner of the property must provide adequate fencing to keep such livestock from roaming beyond property boundaries.

12.2 If livestock is kept on a property and if that property also abuts a highway, then the owner shall erect fences along the boundary of that property abutting the highway for the purpose of preventing livestock from straying upon the highway.

12.3 If a fence is required under section 12.2, the fence posts shall be a minimum of 1.2 metres (4 feet) in height above ground level and no more than 3.6 metres (12 feet) apart and of adequate strength so that livestock cannot dislodge or break the posts by applying minimum force.

12.4 If a fence is required under section 12.2, the fencing may be a minimum of three (3) strands 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 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 Bylaw Enforcement Officer;
  - 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 Bylaw Enforcement Officer or a Peace Officer for inspection 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 Bylaw Enforcement Officer;
  - 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:

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- 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 Bylaw Enforcement Officer or a Peace Officer for inspection at all reasonable times.

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## **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 22<sup>nd</sup> day of May, 2012.

Read a second time the 22<sup>nd</sup> day of May, 2012.

Read a third time the 22<sup>nd</sup> day of May, 2012.

Third reading rescinded the 12<sup>th</sup> day of June, 2012.

Read a third time, as amended, the 12<sup>th</sup> day of June, 2012.

Adopted the 26<sup>th</sup> day of June, 2012.

*Original signed by:*

\_\_\_\_\_  
Director of Corporate Services

\_\_\_\_\_  
Mayor

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

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Director of Corporate Services



**SCHEDULE "A"**

**OFF-LEASH ZONES**

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

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