



VILLAGE OF HARRISON HOT SPRINGS NOTICE OF MEETING AND AGENDA

SPECIAL COUNCIL MEETING

Date: Wednesday, June 19, 2013
Time: 9:00 a.m.
Location: Council Chambers, 495 Hot Springs Road
 Harrison Hot Springs, British Columbia

1. CALL TO ORDER	
Meeting called to order by Mayor Facio	
2. INTRODUCTION OF LATE ITEMS	
3. APPROVAL OF AGENDA	
4. DELEGATIONS	
Bylaw Officer – Devlin Onucki	
5. REPORTS FROM STAFF	
6. BYLAWS	
Report of Deputy Chief Administrative Officer/CO Re: Bylaw No. 1039 Animal Control and Licence and Bylaw No. 1040 Park Regulations Amendment Recommendation: THAT Animal Control and Licence Bylaw No. 1039, 2013 be given first, second and third reading; AND THAT Park Regulation Amendment Bylaw No. 1040, 2013 be given first, second and third reading.	Item 6.1 Page 1
Report of Deputy Chief Administrative Officer/CO Re: Delegation of Powers, Duties, and Functions Bylaw No. 1041, 2013 Recommendation: THAT the Delegation of Powers, Duties and Functions Bylaw No. 1041, 2013 be given first, second and third reading.	Item 6.2 Page 23
7. QUESTION PERIOD	
8. ADJOURNMENT	



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 6, 2013
FROM: Debra Key, Deputy Chief Administrative Officer/CO **FILE:** 3900-01
SUBJECT: Bylaw No. 1039 Animal Control and Licence
Bylaw No. 1040 Park Regulation Amendment

ISSUE: To introduce a new Animal Control and Licence Bylaw and amend Park Regulation Bylaw No. 915

BACKGROUND:

Council directed staff to review the current dog control bylaw. Some concerns have been raised with respect to the location for off-leash areas. Currently the off-leash area is at the east end of Rendall Park. Staff receives many complaints with respect to allowing dogs in an area where children are present and where barbequing and/or picnickers are situated at Rendall Park.

Staff has also received the Park Regulation bylaw with respect to the prohibition of barbeques of any kind on the beachfront. The current bylaw restricts barbequing to Rendall Park. Fire Chief Labossiere does not support any open flame fires or charcoal type BBQs in the lagoon area or in the case of Rendall Park, due to the close proximity to large trees and dried leaves/needles. His recommendation was that council approve propane only type BBQs around the lagoon beach area.

The Bylaw Enforcement Officer has had numerous challenges with the issue of barbequing on the beach, such as enforcement, which he has addressed in his report.

Staff has reviewed both the current Dog Control and Licencing and Park Regulation Bylaws with the Bylaw Enforcement Officer who has prepared a report for Council's consideration.

Based on the information provided by the Bylaw Enforcement Officer in his report, staff is recommending that the new Animal Control bylaw be introduced and that amendments to the Park Regulation bylaw be considered.

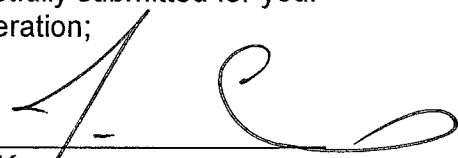
The fees for licencing have not been increased since 1995. The fees for altered and unaltered dogs have been increased slightly to parallel other municipalities in the Upper Fraser Valley. It is suggested that the fees increase by \$10.00 for both altered and unaltered dogs.

RECOMMENDATION:

THAT Animal Control and Licence Bylaw No. 1039, 2013 be given first, second and third reading.

THAT Park Regulation Amendment Bylaw No. 1040, 2013 be given first, second and third reading.

Respectfully submitted for your consideration;



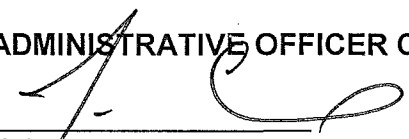
Fur Debra Key
Deputy Chief Administrative Officer/CO

DIRECTOR OF FINANCE COMMENTS:



Dale Courtice
Director of Finance

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



Fur Ted Tisdale
Chief Administrative Officer

A bylaw to provide for the licencing, control and impoundment of Dogs

WHEREAS the *Community Charter* enables Council to establish regulations and fees for the licensing and control of animals within its jurisdiction;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as the Village of Harrison Hot Springs "Animal Control and Licence Bylaw No. 1039, 2013".

DEFINITIONS

2. In this Bylaw:

"Altered Dog" means a Dog that has been spayed or neutered;

"Animal Control Facility" means the premises used to keep and maintain animals pursuant to this Bylaw;

"At Large" means being elsewhere than on the lands or premises of the owner of the animal and is not under the immediate control of a responsible person and not on a leash;

"Beach Lagoon Area" means the southernmost portion of the sand beach up to the grassed area and the entire body of water in the lagoon, as designated and marked in Schedule "B" attached hereto and forming part of this Bylaw;

"Bylaw Enforcement Officer" means the person appointed by the Council as a Bylaw Enforcement Officer from time to time and includes a Peace Officer;

"Council" means the municipal Council of the Village of Harrison Hot Springs;

"Critical distress" means distress in an animal of such a nature that:

- (a) Immediate veterinary treatment cannot prolong the animal's life;
- (b) Prolonging the animal's life would result in the animal suffering unduly, or
- (c) Immediate veterinary intervention is necessary to prevent the imminent death of the animal.

“Dangerous Dog” means a Dog that:

- (a) has killed or seriously injured a person;
- (b) 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;
- (c) any Dog with a known propensity or disposition to attack other animals or persons; or,
- (d) a Dog, which has, without provocation, attacked or aggressively pursued or bitten a person or another animal;

“Dog” means an animal of the canine species and excludes any Dog under the age of four (4) months;

“Enclosure” means a structure at least 1.8 metres (5.90') in height having a concrete or asphalt floor and wire or steel mesh sides and roof, constructed to prevent the entry of young children or the escape of a Dog;

“Impound” means to seize or receive a Dog or take a Dog to the Animal Control Facility and place in the custody of the poundkeeper;

“Kennel” means any facility or premises where more than three (3) Dogs are kept, trained, cared for, bred, treated or boarded for remuneration or for the purpose of sale;

“Leash” means a line, thong, chain or material of sufficient strength that does not exceed 183 centimeters (6 feet) in length and that is suitable for control of a Dog;

“Licence” means a Licence issued by the Village and paid for the current licence year;

“Licence Year” means the time period from January 1st to December 31st, inclusive, in each and every year;

“Livestock” means cattle and other animals of the bovine species, horses, donkeys, mules, llamas, ostrich, sheep, goats, swine;

“Owner” means and includes any person who owns, or has in their possession, a Dog, or any person harbouring or allowing a Dog to remain about their house or premises;

“Premises” means a building, portion of a building or an area of land and structures thereon;

“Poultry” means any fowl including a chicken, turkey, duck, goose, swan or peafowl but excludes a bird commonly kept indoors;

“Poundkeeper” means the person or persons deemed to be Poundkeeper for the Village and includes the duly authorized agent of any Corporation or Society with whom the Council has entered into an agreement to act as Poundkeeper;

“Service or Guide Dog” means a Dog trained and certified to assist people with mobility impairments or other disabilities;

“Unaltered Dog” means a Dog that is not spayed or neutered;

“Unlicenced Dog” means any that is not licenced by the Village of Harrison Hot Springs or is not wearing valid Dog licence tag either affixed to a collar securely fastened around the Dog’s neck or to a harness securely fastened about the Dog; and,

“Village” means the Village of Harrison Hot Springs or the area within the municipal boundaries as the context requires.

APPLICATION

Authority of Bylaw Enforcement Officer

3. Every Bylaw Enforcement Officer is authorized to enter at all reasonable times upon any land in the Village for the purpose of ascertaining whether the requirements of this Bylaw are being observed.

Obstruction of Bylaw Enforcement Officer

4. No person shall hinder, impede, delay or obstruct the Bylaw Enforcement Officer or designate in the execution of their duties for any purpose relating to this Bylaw, including seizing, detaining or impounding any Dog or other animal.

ANIMALS

5. No person shall harbour livestock, poultry, fur-bearing animals or wild animals within the Village.

PROHIBITIONS

At Large

6. The Owner of a Dog must not allow or permit a Dog to be At Large on any highway or public place within the municipality; except a Service or Guide Dog.
7. The Owner of a Dog must not allow or permit a Dog, at any time, to be upon or in the beach lagoon area as described and outlined in Schedule “B”.

Animal Waste

7. The Owner of a Dog must not allow or permit the Dog to leave or deposit excrement on any public place or on private property other than the property of the Owner, unless the Owner immediately takes steps to remove such excrement and to dispose of it in a sanitary manner in a suitable refuse container.

Noise

8. The Owner of a Dog must not allow or permit the Dog by its barks, cries, or other noises to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons residing in the vicinity of where the Dog is kept.
9. The Owner of a Dog must not allow or permit the Dog to call, cry or bark continuously or sporadically for 15 minutes or more, in such a way that the noise is audible outside the parcel where the Dog is kept.

Prohibition of Cruelty to Animals

10. No person shall keep any animal in the Village unless the animal is provided with:
 - a. Clean, potable drinking water and sufficient food;
 - b. Sanitary food and water receptacles;
 - c. The opportunity for periodic exercise sufficient to maintain the animal's good health;
 - d. Clean bedding material and an area maintained at a temperature warm and dry enough to prevent the animal from suffering discomfort; and
 - e. The necessary veterinarian care when the animal exhibits signs of pain, suffering or disease.
11. No person shall keep any animal outside for extended periods of time unless the animal is provided with shelter capable of protecting the animal from heat, cold, puddles, rain and the direct rays of the sun.
12. No person shall keep any animal confined in an enclosed space, including motor vehicle, without sufficient ventilation to prevent the animal from suffering from the heat or causing critical stress.
13. No person shall keep any animal 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.
14. No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

15. If the Bylaw Enforcement Officer believes, on reasonable grounds that there is an animal in critical distress in any premises, other than a dwelling house, or in any vehicle, aircraft or vessel, may enter the premises, vehicle, aircraft or vessel without a warrant for the purpose of taking any action authorized by this bylaw to relieve that critical distress.

LICENSING OF DOGS

16. No person shall own, keep, harbour or have in his possession any Dog over the age of four (4) months unless a Dog Licence has been issued by the Village and the owner has paid a Dog Licence fee as provided in Schedule "A" attached hereto and forming part of this Bylaw.
17. An owner of a Dog must, on or before the first day of January each year, or as soon thereafter as such Dog attains the age of four (4) months, cause the Dog to be registered and licensed with the Village. All Dogs within the Village require an annual licence.
18. Upon payment of the appropriate Dog licence fee, the Village will issue to the Owner a Dog licence and Dog licence tag which must be securely fastened to a collar or harness worn by the Dog at all times except when the Dog is penned or enclosed on the Owner's land or premises.
19. Where the dog licence tag issued with any Dog licence pursuant to this bylaw is lost or stolen or otherwise rendered unusable, the holder of such licence may apply for the issuance of a replacement tag and upon proof of the licence issued and payment of the specified fee therefor, a replacement tag may be issued.
20. Where an Owner of a licenced Dog has a change of address within the Village, the Owner must promptly notify the Village of their new address.
21. A Dog Licence and Dog licence tag will be provided at no charge to registered service or guide Dogs upon presentation of appropriate documentation.

MAXIMUM NUMBER OF DOGS ALLOWED

22. No person shall keep or harbour more than three (3) Dogs over the age of four (4) months at any residence including any premises that houses a suite, boarder or tenant.

DOG IN HEAT

23. The owner of a female Dog shall, at all times when that Dog is in heat, keep that Dog securely confined indoors or within a building or enclosure that will prevent the escape of that Dog or the entry of other Dogs.

DANGEROUS DOG

24. Where a Bylaw Enforcement Officer deems a Dog to be a Dangerous Dog, the Bylaw Enforcement Officer shall advise the Owner in writing of this designation and requirements of this Bylaw.
25. Every Owner of a Dangerous Dog must at all times keep the Dog:
 - (a) securely confined indoors such that the Dog cannot escape;
 - (b) in an enclosed pen or other enclosure which prevents the entry of young children and prevents the Dog from escaping; and
 - (c) on a Leash and muzzled and under the immediate control of a competent person while in a public place, or any other place that is not owned or controlled by that person to prevent the Dog from biting another Animal or person.
26. Where a Bylaw Enforcement Officer deems a Dog to be a Dangerous Dog and that Dangerous Dog is At Large or in a place prohibited under section 6 of this Bylaw, a Bylaw Enforcement Officer may, alone or with others, seize and impound the Dangerous Dog at the Animal Control Facility.
27. The Owner of a Dangerous Dog must within three (3) working days of selling, giving or otherwise transferring the Dangerous Dog, provide the Village with the name, address and telephone number of the Dangerous Dog's new owner, and provide the new owner with notice of the Dangerous Dog's designation as a Dangerous Dog and of the requirements and conditions for keeping a Dangerous Dog.
28. The Owner of a Dangerous Dog must display at each entrance to the parcel of land which, and the building or structure in which, the Dangerous Dog is kept a sign containing the words "WARNING DANGEROUS DOG ON PREMISE" measuring at least six (6) centimeters high and twenty (20) centimeters wide. This sign must also include a realistic picture of the head of a Dog with bared teeth measuring at least fourteen (14) centimeters high and fourteen (14) centimeters wide.
29. Where a Dog that has been deemed a Dangerous Dog attacks and injures another Animal or human the Owner of the Dangerous Dog must surrender the Dangerous Dog to the Bylaw Enforcement Officer for impoundment pending application to have the Dangerous Dog destroyed.

SEIZURE AND IMPOUNDING OF DOGS AND OTHER ANIMALS

30. A Bylaw Enforcement Officer may, alone or with others, seize, detain and impound at the Animal Control Facility any Dangerous Dog found in the Village or any Unlicensed Dog found in the Village, or any licensed Dog or other Animal found to be running At Large contrary to this Bylaw in the Village.

31. Where a Bylaw Enforcement Officer has reason to believe that an Unlicensed Dog has taken refuge on any premises, no person shall interfere with the Bylaw Enforcement Officer in seizing such Dog.
32. Where a Dog is impounded under this Bylaw, the Bylaw Enforcement Officer shall record the date and hour of impounding, a description of the Dog, and the Dog's Licence Tag.
33. Where a Dog is impounded under this Bylaw, the Bylaw Enforcement Officer must take reasonable efforts to find and notify the Owner of the Dog's impoundment. Where a Dog with a License is impounded, that Dog shall not be sold, relocated or destroyed until written notice is hand delivered to the Owner or posted at the Owner's residence as described on the Village's Licence application. This notice shall state if the Dog is not claimed within a specified time that the Dog may be sold, relocated or destroyed.
34. Where a Dog is impounded under this Bylaw, the Bylaw Enforcement Officer must retain the Dog for a period of seventy-two (72) hours unless it is sooner reclaimed.
35. If the impounded Dog or is not claimed and redeemed within seventy-two (72) hours of its impoundment, then the Bylaw Enforcement Officer may, alone or with others, sell, relocate or destroy the Dog.
36. The Owner of an impounded Dog may redeem it from the Animal Control Facility within seventy-two (72) hours of impoundment by paying to the Bylaw Enforcement Officer the applicable impoundment and round-up/transportation fees set out in Schedule "A", together with a licence fee if the impounded Dog is an unlicensed Dog.
37. Where a Dog is redeemed or destroyed under this Bylaw, the Bylaw Enforcement Officer shall record a description of the Dog, the Dog's Licence Tag, the date and the hour of redemption or destruction, the name of the redeeming party and the applicable Schedule "A" fees.
38. When a Dog has been impounded and it is found that the Dog is suffering from injury, disease or sickness and would not survive the injury, disease or sickness, the Bylaw Enforcement Officer, in his or her discretion, and in consultation with a veterinarian, may immediately cause the Dog to be destroyed.
39. When a Dog has been impounded and it is found that the Dog is suffering from injury or sickness such that in the opinion of the Bylaw Enforcement Officer the services of a veterinarian are required and obtained, the Bylaw Enforcement Officer shall be entitled to demand and receive from the Owner, an amount equivalent to the veterinarian's services.
40. Any person who takes or rescues a Dog from the Animal Control Facility without the consent of a Bylaw Enforcement Officer shall be guilty of an offence under this Bylaw.

SEVERABILITY

- 41. If any portion of this Bylaw is for any reason found invalid by decision of a court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Bylaw.

ENFORCEMENT AND PENALTY

- 42. Every person who violates any of the provisions of this Bylaw, or who allows or permits any act or thing to be done in contravention of any of the provisions of this Bylaw, or who neglects to do, or refrains from doing, anything required to be done by any of the provisions of this Bylaw, or who does any act which violates any of the provisions of this Bylaw, will be guilty of an infraction and will be liable to the penalties imposed this Bylaw.
- 43. A disabled person shall not be liable for penalties under this bylaw for failing to remove excrement left or deposited by their assistance Dog when no other person is present to assist them.

REPEAL

- 44. "The Corporation of the Village of Harrison Hot Springs Dog Control Bylaw No. 524, 1990 (Livestock Protection Act)" is hereby repealed.
- 45. "The Corporation of the Village of Harrison Hot Springs Dog Licencing, Control and Impounding Bylaw No. 653, 1995" and all amendments thereto are hereby repealed in their entirety.

READ A FIRST TIME THIS DAY OF , 2013

READ A SECOND TIME THIS DAY OF , 2013

READ A THIRD TIME THIS DAY OF , 2013

ADOPTED THIS DAY OF , 2013

Mayor

Corporate Officer

SCHEDULE "A"

Bylaw No. 1039

Dog Licence Fees

1. For any dangerous Dog	\$500.00
2. For altered Dog	\$ 20.00
3. Unaltered Dog	\$ 40.00
4. Replacement licence tag	\$ 5.00

Impoundment Fees

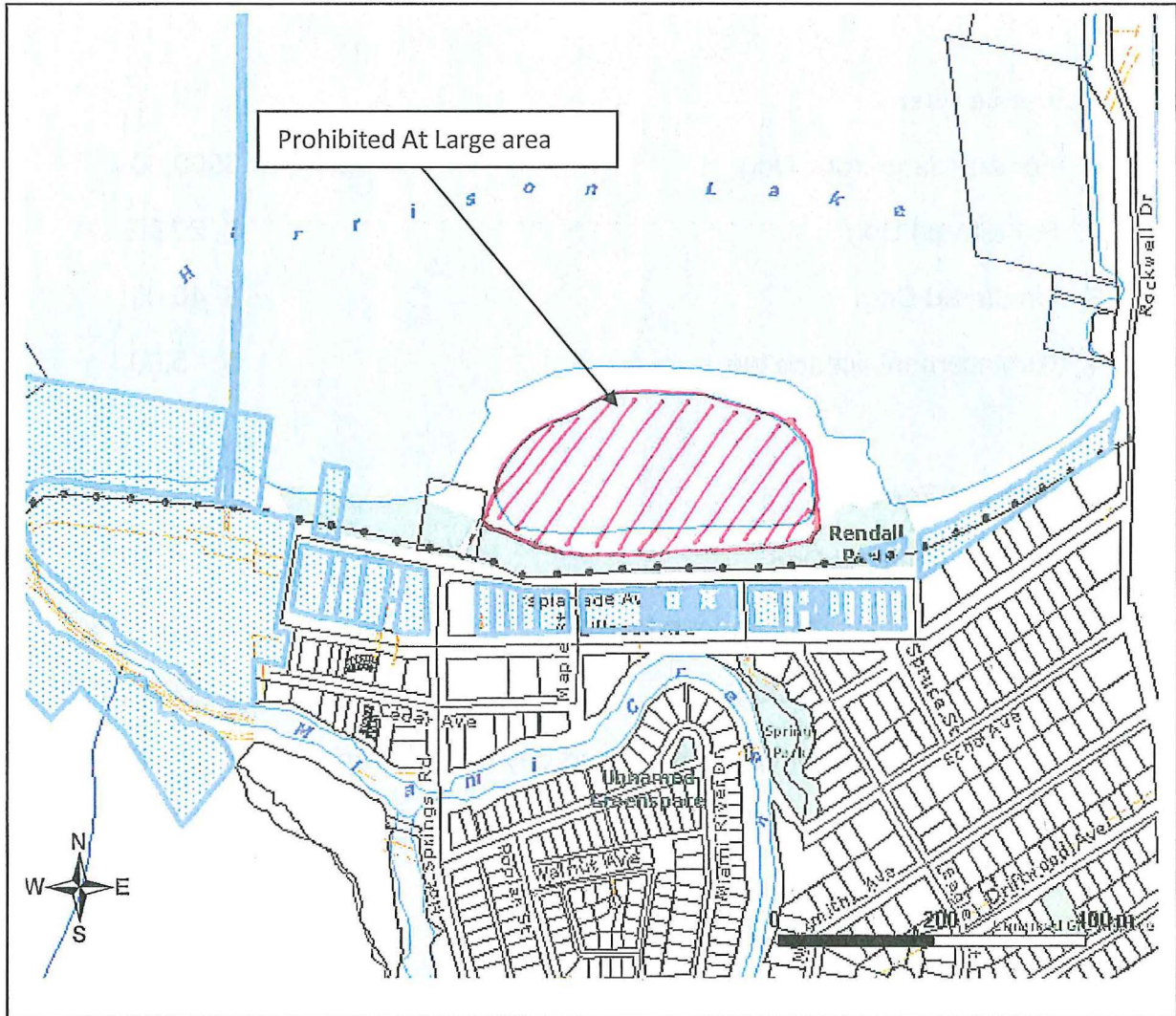
1. For any licenced Dog	\$ 25.00
2. For each subsequent impoundment	\$ 35.00
3. For any unlicenced Dog	\$ 50.00
4. Maintenance fee for each day or part day of detention	\$ 20.00
5. Dangerous Dog	\$ 500.00

Euthanasia and disposal:

The owner of any Dog that is impounded and is not redeemed and is destroyed is liable to pay the following fees:

a. Large Dog	\$ 90.00
b. Medium Dog	\$ 75.00
c. Small Dog	\$ 50.00

SCHEDULE "B"





**VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 1040**

A bylaw to amend "Park Regulation Bylaw No. 915, 2009"

The Council, of the Village of Harrison Hot Springs in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the Village of Harrison Hot Springs "Park Regulation Bylaw Amendment Bylaw No. 1040, 2013".
2. "Park Regulation Bylaw No. 915, 2009" is hereby amended by deleting Section 9 in its entirety and substituting with the following:
 9. No person shall kindle, build, light, maintain any fire, barbeque, hibachi or any other form of cooking apparatus that uses wood, charcoal, briquettes or any other form of natural burning product, at any time on any beach or park within the Village."
3. Said Bylaw is further amended by deleting Section 20 in its entirety and renumbering the remaining Sections accordingly.
4. Said Bylaw is further amended by adding the following new Sections:

"EXEMPTIONS

24. This Bylaw does not apply to the normal use of propane, butane or natural gas fired grills or barbecues for the purpose of cooking food."

LIABILITIES FOR DAMAGES

25. This Bylaw shall not be construed to hold the Village or its authorized agents responsible for any damage to persons or property by reason of a propane, butane or natural gas fired grill or barbecue.

OFFENCE AND PENALTY

26. Every person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw shall be guilty of an offence under this Bylaw.

- 27. Every person guilty of an infraction of this Bylaw shall be liable upon summary conviction to a fine not less than \$2,000 and not more than the maximum allowed pursuant to the *Offence Act*, as amended.

SEVERABILITY

- 28. If any portion of this Bylaw is for any reason found invalid by decision of a court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME THIS DAY OF , 2013

READ A SECOND TIME THIS DAY OF , 2013

READ A THIRD TIME THIS DAY OF , 2013

ADOPTED THIS DAY OF , 2013

Mayor

Corporate Officer

BYLAW REPORT 2013



HARRISON HOT SPRINGS

Naturally Refreshed



Submitted by Devlin Onucki

March 23, 2013

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Bylaw Report 2013

SUBMITTED BY DEVLIN ONUCKI

Dog Bylaw

There are a number of issues plaguing the village as it relates to dogs. This is not unlike other municipalities. As Harrison continues to be a desired destination for dog owners it is important that we continue to review and update our dog bylaws. Ownership of dogs has doubled in Canada within the last few years. Dog issues are not going away given the current trends and will only continue to be a challenge as the dog population increases.

Off leash / On Leash

Requiring dogs to be leashed when in public areas is important for the safety of dogs, dog owners and the general public. Not everyone is a dog lover. There are many people out there who are afraid of dogs big or small. Not every dog owner has good control over their dog's behavior. Having leashed areas maintains a level of control and is essential especially when you have a large concentration of dogs. Esplanade Ave during peak season is just one of those places.

My experience is that most dog owners coming from other jurisdictions are coming from areas that have more stringent rules. Most people are responsible conscientious dog owners. From my experience given the thousands of people who visit Harrison every summer Bylaw Enforcement Officers have very few problems with on leash compliance. When someone does have their dog off leash and a Bylaw Enforcement Officer confronts the offender we typically get 100 percent compliance. Very seldom do we get someone who flatly refuses to leash their dog.

Where noncompliance exists is with a small percentage of local dog owners. They feel it is their right as a tax payer to allow their dogs to be off leash. Part of this attitude comes from the fact that there is little bylaw presence over the winter months. Some local dog owners walk their dogs off leash because they know there is little chance that they will be prosecuted. My personal view is they have been doing this during the winter months for years. No one has ever been injured nor has it resulted in litigation. With the reduced staffing during the winter months I believe some locals will continue walking dogs off leash.

After the May long weekend the Village has fulltime bylaw until the first week of September. The expectation is that there is zero tolerance for off leash dogs within leashed areas. My staff will go after all offenders and strictly enforce this bylaw during this time. With that said, we cannot be everywhere all the time. A general complaint is not always enough to write a ticket. It is incumbent of the officer to have enough evidence to stand the test of adjudication if the ticket is disputed. We may issue a warning notice, a warning letter or a compliance agreement.

Dog Bylaw Updates

■ The existing bylaw refers to a dangerous dog designation as a vicious dog.

``Vicious Dog`` means:

- (a) A dog which has killed or injured a person or domestic animal; or
- (b) Any dog with a known propensity or disposition to attack other animals or persons; or
- (c) A dog, which has, without provocation, attacked or aggressively pursued or bitten a person or other animal

Once a dog has been determined to be a vicious dog the dog owner is to ensure that the dog is muzzled and on a leash at all times when in public. The owner is also required to ensure that when the dog is not on a leash it is in a securely confined space. The existing Bylaw Notification Enforcement Bylaw does not have any provision within the bylaw for Bylaw Officers to issue a ticket if an owner of a vicious dog does not comply with the bylaw

I am recommending this be added to the BENB bylaw with a maximum penalty of \$500.

■ Dogs left in vehicles

There are a number of instances every year when Bylaw Officers are faced with an animal that has been left in a vehicle unattended on a hot summer day. There is no language within our current bylaw that addresses this issue. Even though there is a Provincial Act addressing this issue I think an appropriate fine should also be attached to our bylaw for this offence.

PREVENTION OF CRUELTY TO ANIMALS ACT

[RSBC 1996] CHAPTER 372

Authority to enter without a warrant

14 (1) In this section, "critical distress" means distress in an animal of such a nature that

- (a) immediate veterinary treatment cannot prolong the animal's life,
- (b) prolonging the animal's life would result in the animal suffering unduly, or
- (c) immediate veterinary intervention is necessary to prevent the imminent death of the animal.

(2) An authorized agent* who believes on reasonable grounds that there is an animal in critical distress in any premises, other than a dwelling house, or in any vehicle, aircraft or vessel, may enter the premises, vehicle, aircraft or vessel without a warrant for the purpose of taking any action authorized by this Act to relieve that critical distress.

***An authorized agent is an officer or employee appointed by the British Columbia Society for the Prevention of Cruelty to Animals or any other person as an authorized agent for the purposes of this Act (ie. Someone appointed as special provincial constable under the Police Act.)**

Proper yard containment for dogs

There have been several complaints made to the bylaw office regarding insufficient fencing to contain one's animals. Some neighbors do not feel comfortable being in their back yards due to this concern. Typically most of these complaints are coming from tenants. This is an issue of home owners who are not willing to invest into a more secure fence. This problem leads to dogs getting out and being at large within the community. I am recommending that home owners who have tenant's with dogs or have dogs themselves have adequate containment for their animals. I am recommending a fine for homeowners that do not.

One of the biggest frustrations for the community is dog feces.

Poop has reader 'peed-off'

Agassiz-Harrison Observer

Dear Editor,

Hello my name is Gerd Trubenbach, and I'm peed-off.

I'm a resident of Harrison Hot Springs and I use the sidewalk, from the post office, to St. Alice Street. On several occasions, I've seen three or four big dog poo.

Yes, right on the sidewalk. I find it appalling that the owner would not see that their Dog is going to crap right on the sidewalk. Are they blind who is leading the blind?

And then, oh ya it's winter. Let the dog loose all over Harrison, as the bylaw officer is only here in the summer.

And the latest trick of the dog owners is to come in the evening, to let their dog run free, and then they can not see, where their Dog left a great big pile of poo behind.

Oh, we did not see what our dog did!

Cheers
Gerd Trubenbach
Harrison Hot Springs

This is a very challenging issue as it pertains to enforcement.¹ A medium sized dog can produce 275 pounds of dog poop a year. Let me put it this way - a Golden Retriever will deposit approximately **13,936** pounds of poo and use **13,936 dog poop bags** while residing on planet earth, based on the life expectancy, metabolism and weight of a typical Golden Retriever. One bad owner who lets their dog defecate once or twice a day in the streets and does not clean up after the fact creates a big problem. Unfortunately this one poo-petrator gives an inaccurate perception that all dogs must be defecating in the streets and that there is no law and order in the Village of Harrison Hot Springs. The reality is once again it is a **small percentage** of people who allow their dogs to poop and don't bother picking up. Yes it is unsightly, it is gross and it is a health issue and that's why people get so upset at this issue.

¹ <http://www.simpleecology.com/eco/dog-waste-containment.html>

How do you enforce this bylaw? Good question and one that has challenged every jurisdiction and Municipality in the free world. How do you determine that pile of poo came from that dog and from that owner without doing DNA analysis? How do you convince an Adjudicator that the ticket is in fact that of the offending dog? Bylaw Officers have to rely on public reporting and educating the public. The biggest deterrent to this problem is presence of Bylaw officers. This makes offenders think twice before walking away from their dog's mess.

Barbeques on the Beach

My understanding of this bylaw is that it came into existence because the business community requested council adopt a no barbequing on the beach bylaw. The business community felt this would encourage people to eat in their restaurants.

In my opinion the bylaw was put into place with little regard or foresight for the potential fallout and unforeseen problems. Also there was little regard to the enforceability of this bylaw. The question is, how committed is the Village to this cause? To adequately enforce this bylaw so that it is applied fairly, consistently and appropriately you would require additional staffing, adequate parking, proper signage, police support, advertising on the web and newspaper.

The other question Council has to ask is what kind of experience are we trying to promote to our tourist? What are we wanting to project to visitors? I can tell you from experience kicking people off the beach while they are trying to enjoy what otherwise should be a positive experience leaves a bad experience for most. If the engagement with patrons escalates and becomes abusive those witnessed to the drama also take away a negative experience.

Let's put ourselves in their situation of the person barbequing;

- You found convenient parking spot now you are being directed to move. You are being asked to move to other end of Esplanade where there is no free parking. There may be no parking.
- Logistically you have just made several trips to and from your vehicle setting up your BBQ, food, blankets, chairs, plates. Now you are being asked to pick up and move.
- You are half way through cooking your meal. You are just about done when someone comes along and says you have to move.
- As an Officer you are confronted with language barriers. You are confronted with people who are intoxicated. You are confronted with people who are really annoyed at you because you are telling them to pack up and move. You are confronted with young people who escalate quickly. Frankly this is not going to be a positive experience for people.

One issue that Bylaw Enforcement Officers do struggle with is getting formal ID from offenders. Technically if they do not provide ID they are obstructing justice. Unfortunately Bylaw officers do not have the authority to detain or arrest. So if someone refuses to give you I.D. your options are to walk away and take criticism from the locals as to why you are not enforcing the bylaw or you call the RCMP. Given the RCMP's workload you may get an officer to assist within 45 minutes or you may not.

It's ironic that the one thing that the local business wanted is for tourist to spend money in their establishments. It has been my experience once we remove someone from the beach they normally leave Harrison. This is because at this point there is little parking and the party is usually upset. These are the same people who may have otherwise made some kind of purchase.

Bylaw Report 2013

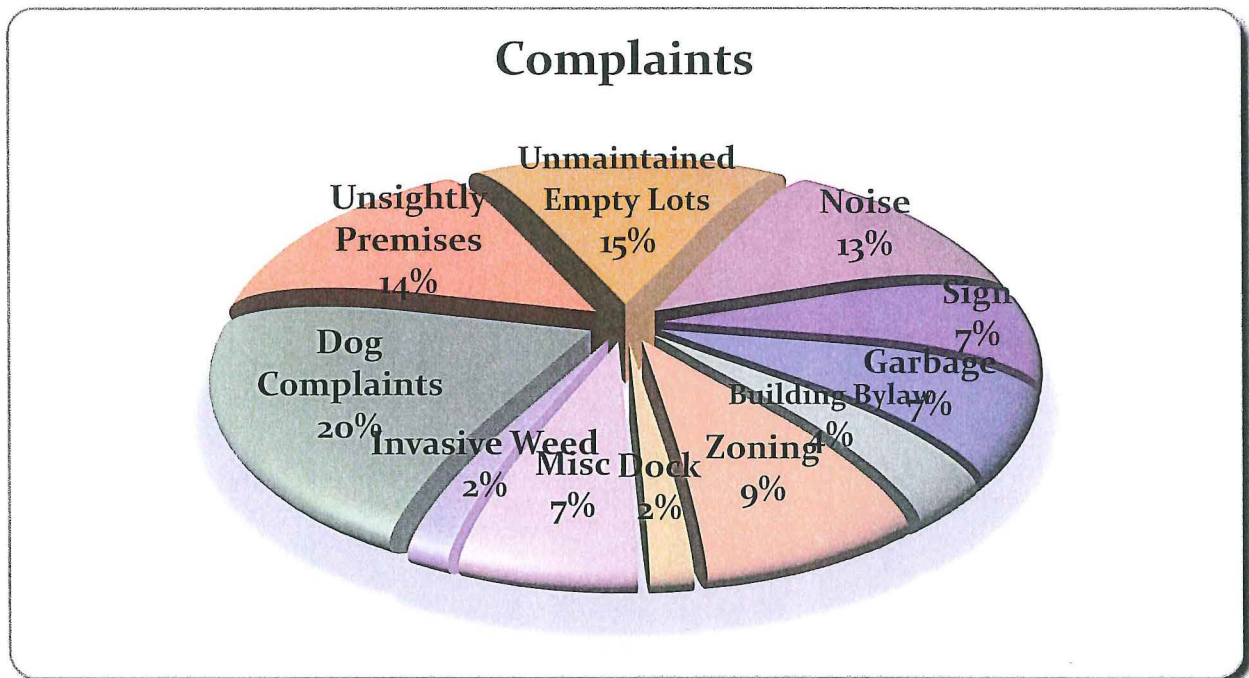
Folks coming out to Harrison with the mindset that they are coming out for a family BBQ are not going to have some kind of epiphany. They are not going to magically be inspired to suddenly eat in a restaurant. For some people there is no better summer experience than being able to go to the beach on a hot summer day and BBQ while enjoying the smells, taste and company associated with this activity.

The other interesting piece to this issue is one Saturday last year I counted 60 individual groups BBQ on the beach. As I rode my bike up and down Esplanade I noticed that every restaurant was packed with patrons.

I did some research on the web and some larger parks have pre built in BBQ stations for people to use. Some only allow BBQ during certain times of the day.

STATS

2012 stats





VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** June 3, 2013
FROM: Debra Key, Deputy Chief **FILE:** 3900-20-17
Administrative Officer/CO
SUBJECT: Delegation of Powers, Duties and Functions Bylaw No. 1041,
2013

ISSUE: Council direction to proceed with introduction of Delegation of Powers, Duties and Functions Bylaw

BACKGROUND:

Pursuant to section 154 of the *Community Charter*, a municipal council may delegate authority for specific decisions to a council member, council committee, officers, employees or another body established by Council.

With the adoption of delegation bylaw, this creates certain administrative efficiencies in assigning approvals for a range of issues, including dealing with emergency situations in a timely manner. The purpose of a delegation bylaw is to delegate Council's decision making and signing authority where deemed appropriate. Staff can then implement decisions without the need to approach Council for repeated routine issues that can be handled by staff.

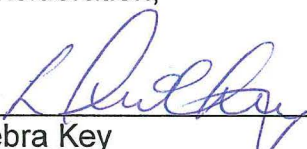
In other cases, delegating the authority to staff can be a means to remove either real or perceived political influence from a decision making process to maintain impartiality.

A Delegation Bylaw can be amended over time to authorize increases in staff or organizational changes for delegated responsibilities to staff.

RECOMMENDATION:

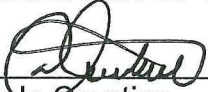
THAT Delegation of Powers, Duties and Functions Bylaw No. 1041, 2013 be given first, second and third readings.

Respectfully submitted for your consideration;



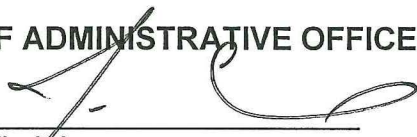
Debra Key
Deputy Chief Administrative Officer/
Corporate Officer

DIRECTOR OF FINANCE COMMENTS:



Dale Courtice
Director of Finance

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



For _____
Ted Tisdale
Chief Administrative Officer

HARRISON HOT SPRINGS

Naturally Refreshed

VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 1041

A bylaw to provide for the delegation of powers, duties and functions of Council

WHEREAS the *Community Charter* empowers Council, by bylaw, to delegate its powers, duties and functions, to the extent provided in section 154 and elsewhere, to its Council Members, Council Committee, officers, employees, or another body established by Council;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as the Village of Harrison Hot Springs "*Delegation of Powers, Duties and Functions Bylaw No. 1041, 2013*".

INTERPRETATION

2. In this Bylaw

"Agreement" means any agreement, contract or letter of understanding;

"Chief Administrative Officer" means the person appointed by Council as the Chief Administrative Officer or pursuant to s. 147 of the *Community Charter*, or in his or her absence, the person appointed as deputy chief administrative officer;

"Council" means the Council of the Village;

"Corporate Officer" means the person assigned the responsibility of corporate administration for the Village pursuant to s. 148 of the *Community Charter*;

"Financial Officer" means the person assigned the responsibility of financial administration for the Village pursuant to s. 149 of the *Community Charter*;

"Manager" means an employee of the Village who has been appointed by the Chief Administrative Officer to be responsible for an operation or program of the Village;

"Officer" means a person holding any of the Officer positions established under "*Officer Establishment Bylaw No. 929, 2009*"; and

“Village” means the Village of Harrison Hot Springs.

- 2.2 A reference to a statute in this bylaw refers to a statute of the Province of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

PURCHASING DECISIONS

- 3.1 Council hereby delegates the authority to Officers to acquire and purchase goods and services on behalf of the Village and to enter and execute agreements to do so, subject to:
- (a) the provisions and limits pursuant to the Purchasing and Procurement Policy as adopted by Council and amended from time to time; and
 - (b) the Village’s annual financial plan, as adopted by Council and amended from time to time; and
 - (c) any restrictions or conditions in the *Community Charter, Local Government Act*, and in this or another Village bylaw or other applicable enactment.
- 3.2 Subject to subsection 3.1(b), Officers may acquire and purchase goods and services of up to 50% of the budget prior to adoption of the annual financial plan each year.
4. As a general limit on the powers exercisable under Section 3 of this Bylaw, any transaction that could incur a liability for more than 5 years, or that could exceed a period of 5 years by exercising rights of renewal or extension must be approved in advance by Council.

MUNICIPAL HIGHWAY DECISIONS

5. In relation to highways within the Village’s jurisdiction Operations Manager may approve or refuse, and impose conditions and requirements for public safety and convenience as to the following,:
- (a) applications for temporary uses;
 - (b) temporary restrictions or prohibitions of any type of traffic; and,
 - (c) the placing of traffic and information signs

in accordance with the *Highway and Traffic Bylaw* and any other applicable bylaws of the Village.

DECISION TO GRANT, REFUSE, SUSPEND OR REVOKE A BUSINESS LICENCE

6. The Manager of Revenue Services may grant, refuse, suspend or revoke a business licence for reasonable cause.

CHIEF ADMINISTRATIVE OFFICER

- 7.1 The Chief Administrative Officer may:

- (a) hire employees and appoint persons to fill Officer positions;
- (b) suspend and terminate an employee of the Village other than the Corporate Officer or Financial Officer;
- (c) suspend any Officer.

- 7.2 In consultation with the Financial Officer, the Chief Administrative Officer may conclude and execute agreements for the use or occupation of the Village's property for up to 5 years, except where the instrument:

- (a) would result in a disposal of real property of the Village, unless Council has approved of the disposition; or
- (b) is required by an enactment to be adopted by Council.

DISPOSAL OF VILLAGE PROPERTY

8. Subject to any conditions or restrictions of the *Community Charter*, the *Local Government Act*, or any other applicable enactment:

- (a) the Chief Administrative Officer and Financial Officer may negotiate agreements for the disposition of real property owned or held by the Village; and
- (b) provided that Council has approved the proposed disposition, including, without limitation, the proposed price and any other consideration, the following persons may execute such agreements:
 - i. the Mayor and Corporate Officer; or
 - ii. the Chief Administrative Officer and Financial Officer.

GRANTS AND FUNDING APPLICATIONS, MEMORANDA OF UNDERSTANDING AND OTHER AGREEMENTS

9. The Chief Administrative Officer or Corporate Officer may prepare, negotiate, enter into and execute, on behalf of the Village, any of the following:
- (a) grant applications and grant funding agreements;

- (b) Memoranda of Agreement and Memoranda of Understanding between the Municipality and
 - (i) a union of employees;
 - (ii) the Province of British Columbia;
 - (iii) the Federal Government;
 - (iv) another Municipality; or
 - (v) a School District;
- (c) mutual aid agreements and agreements relating to Emergency Services; and
- (d) servicing agreements and consulting contracts; agreements or other instruments relating to the specific functions and responsibilities of the Chief Administrative Officer or Corporate Officer, as applicable

FINANCIAL OFFICER

- 10. The Financial Officer may negotiate, prepare, enter into and execute the following kinds of agreements or other instruments on behalf of the Village:
 - (a) agreements or other documents related to borrowing, raising money, banking, grants, taxation, assessment, damage claims and the Municipal Finance Authority;
 - (b) acquisition of vehicles and equipment;
 - (c) agreements or other instruments relating to the specific functions and responsibilities of the Financial Officer;
 - (d) Memoranda of Agreement and Memoranda of Understanding between the Municipality and an employees' union, employment or personnel agreements other than a collective agreement, and other agreements or instruments relating to the specific functions and responsibilities of the Human Resources Officer

OPERATIONS MANAGER

- 11. The Operations Manager may enter into and sign the following agreements or other on behalf of the Village in relation to Village utility services:
 - (a) agreements for providing water or sewer services;
 - (b) prepare, sign and submit grant applications,
 - (c) grant funding agreements,

- (d) consulting contracts; and,
- (e) applications and agreements for water licences and other water rights.

EXECUTION BY AUTHORIZED SIGNATORIES

- 12. Subject to compliance with any applicable requirements of the *Community Charter, Local Government Act*, or any other applicable enactment, any agreements or other instrument which the Village has the authority to make or enter into shall be deemed to be properly executed if:
 - (a) the instrument is signed by one of the Officers or Managers authorized by this Bylaw to sign such agreements or other documents: or
 - (b) the instrument is signed by the Mayor and Corporate Officer.

DELEGATION TO PERSONS HOLDING POSITIONS

- 13. Where this Bylaw delegates a power, duty or function to a named position, the delegation of a power, duty or function is to the person who, from time to time, holds the position and to any person who, in their absence, is authorized to act on their behalf.

SCOPE OF BYLAW

- 14. The delegation of powers, duties and functions of Council in this Bylaw does not limit the authority of Council to make decisions within the scope of Council's authority in the absence or stead of the delegate or where a decision is subject to reconsideration by Council under an enactment or as otherwise lawfully authorized.

SEVERABILITY

- 15. If any section, subsection, paragraph, subparagraph or clause of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS DAY OF , 2013

READ A SECOND TIME THIS DAY OF , 2013

READ A THIRD TIME THIS DAY OF , 2013

ADOPTED THIS DAY OF , 2013

Mayor

Corporate Officer

