TABLE OF CONTENTS

PART 1 GENERAL PROVISIONS

Division 1 - The Code
Division 2 - Penalties
Division 3 - Municipal Ticket Information System
Division 4 - Assessment and Taxation
Division 5 - Elections
Division 6 - Advisory Planning Commission
Division 7 - Leisure Services Advisory Commission
Division 8 – *[repealed]*
Division 9 - Board of Variance
Division 10 - Community Resource Board
Division 11 – *[repealed]*

PART 2 MUNICIPAL GOVERNMENT

Division 1 - Council Procedure
Division 2 - Council Meetings
Division 3 - Designation of Member to Act in Place of Mayor
Division 4 - Council Proceedings
Division 5 - Bylaws
Division 6 - Resolutions
Division 7 - Committee of the Whole
Division 8 - Committees, Commissions & Other Bodies
Division 9 - Regional District Directors
Division 10 – Chief Administrative Officer
Division 11 - Mayor and Councillors
Division 12 - Freedom of Information and Protection of Privacy
Division 13 - Officer Positions
Division 14 - Council Members, Officers and Employees Indemnification
Division 15 - Records Management

PART 3 TRAFFIC AND VEHICLES

Division 1 - Traffic
Division 2 - Traffic Control
Division 3 - Signals, Signs and Markings
Division 4 - General Regulations
Division 5 - Operation of Vehicles
Division 6 - Pedestrians
Division 7 - Cyclists
Division 8 – *[repealed]*
Division 9 - Road Naming and Numbering

PART 4 LICENCES AND PERMITS

Division 1 – Business Licencing and Commercial Vehicle Licencing
Division 2 - Shops Regulations
Division 3 - Soliciting Funds on Highways
Division 4 – Liquor Licencing Delegation

PART 5 POLICE AND FIRE REGULATIONS

Division 1 - Fire Protection
Division 2 – *[repealed]*
Division 3 - Public Protection
Division 4 - Fireworks
Division 5 - Animal Control
Division 6 - Vending Machines
Division 7 – Service Levels
Division 8 – Fire Training Grounds

PART 6 PUBLIC UTILITIES

Division 1 - Power and Communication Services
Division 2 - Water Supply
Division 3 - Water Service Connections
Division 4 - Water Meters
Division 5 - Rates
Division 6 - Sewage Disposal

PART 7 PUBLIC HEALTH

Division 1 - Residential Solid Waste Collection
Division 2 - Solid Waste Disposal
Division 3 - Fetal Alcohol Syndrome Warning Signs
Division 4 - Cemeteries
Division 5 - Open Air Markets
Division 6 - Clean Indoor Air
Division 7 – Cannabis, Tobacco, and Controlled Substance Use in Public Places and Parks
Division 8 – Excavated Material
Division 9 – Commercial Premise Solid Waste

PART 8 PUBLIC WORKS

Division 1 - Local Improvements

PART 9 PLANNING

Division 1 - General
Division 2 - Zoning
Division 3 - Signs
Division 4 - Residential Zoning
Division 5 - Commercial Zoning
Division 6 - Industrial Zoning
Division 7 - Greenbelt Zoning
Division 8 - Temporary Uses
Division 9 - Development Areas
Division 10 - Use of Highways and Other Public Spaces
Division 11 - Subdivision
Division 12 - Environmental Control
Division 13 - Mobile Home Park Regulations

PART 10 FINANCE

Division 1 - Miscellaneous Charges

PART 11 LEISURE SERVICES

Division 1 - Leisure Services Fees and Charges

PART 12 CIVIL DEFENCE

Division 1 - Kitimat Emergency Plan

PART 13 BUILDING

Division 1 – Introductory Provisions
Division 2 – Applications for Permits
Division 3 – Owner Requirements
Division 4 – Issuance of Permits and Permit Fees
Division 5 – Inspections and Field Reviews
Division 6 – Occupancy
Division 7 – Notices and Enforcement
Division 8 – Building Construction and Demolition Waste
Schedule A – Fees & Charges

PART 14 HAZARD LANDS

Division 1 – Floodplain Management

PART 1 - GENERAL PROVISIONS
Division 1 - The Code

Subdivision 1 - Title

1.1.1. 1. This Bylaw shall be known as the Kitimat Municipal Code.

Subdivision 2 - Interpretation

1.1.2. 1. In this Bylaw, unless the context otherwise requires:

"Act" means the Local Government Act;

"Authority Having Jurisdiction" means the Manager and any member of staff acting under the Manager's orders and jurisdiction for the purpose of administering any regulation contained in the "Code";

"Assessor" means the Assessor of the District of Kitimat;

"Building Inspector" means the Building Inspector and includes Assistant Building Inspectors of the District of Kitimat appointed by the Chief Administrative Officer;

"Cafeteria" means a self-serve restaurant;

"Caretaker" shall mean the person or persons duly appointed from time to time as Caretaker of the Kitimat Municipal Cemetery;

"Cemetery" means any parcel or tract of land owned, used or maintained by the Municipality as a Cemetery, columbarium or mausoleum;

"Chief Administrative Officer" means the Chief Administrative Officer of the District of Kitimat;

"Chief of Police" means the senior resident of the Royal Canadian Mounted Police Force detachment in the District;

"Clerk" means the Clerk of the District of Kitimat;

"Code" means the Kitimat Municipal Code;

"Coffee Shop" means a public coffee house or tea house or place with facilities for preparing and serving light refreshments without wine, malt liquor or other liquors;

"Collector" means the Collector of the District of Kitimat;

Subdivision 2 - Interpretation (Continued)

1.1.2. 1. "Community Project" means any work, service enterprise or undertaking of a charitable or non-profit nature, being carried on in the Municipality or elsewhere for the benefit of persons living in the Municipality, or for the benefit of needy persons elsewhere in the world;

"Council" means the Mayor and Councillors of the District of Kitimat;

"Dining Lounge" means a public eating place in a club, hotel, or entertainment premise having tables, tablecloths and other table service with or without dance floor where meals are prepared and served at regular breakfast, luncheon, dinner, or supper hours with or without liquors;

"Dining Room" means a public eating place or divided sections of a public eating place, having tables covered with tablecloths and supplied with table service, in which premises meals are prepared and served at regular breakfast, luncheon or dinner hours with or without wine or malt liquor;

"Director of Leisure Services " means the Director of Leisure Services of the District of Kitimat;

"Fire Chief" means the Fire Chief of the District of Kitimat;

"Furnished" means provided with sleeping, washing and sanitary facilities, which shall include not less than either one double or two single beds, two chairs, a chest of drawers or its equivalent, bedding and linen;

"Installation" includes any pole, structure, tank, storage container, pipe, or other similar installation;

"Motel" means a building or a group of buildings which contain not less than 10 units, used or occupied or intended to be used or occupied as temporary accommodation by tourists or transients; and within which not more than 25% of the total number of units contain rooms greater in number than a bathroom plus one room undivided by any partitions other than a screen to cover kitchen facilities;

*Kitimat Municipal Code*, CONVENIENCE COPY. The District of Kitimat accepts no responsibility for errors or omissions in this consolidation. A CERTIFIED COPY is available from Corporate Administration, District of Kitimat.

Subdivision 2 - Interpretation (Continued)

1.1.2. 1. "Motel Area" means the area or areas within which a motel or motels are permitted, as designated on the zoning map of the District of Kitimat;

"Municipal" means someone or something pertaining to the District of Kitimat;

"Municipal Engineer" means the Municipal Engineer of the District of Kitimat or such person as may be carrying out the duties of the Municipal Engineer for the District of Kitimat;

"Municipality" means the District of Kitimat;

"Owner" in respect of real property means the registered owner of an estate in fee simple, and includes:

a. the tenant for life under a registered life estate;

b. the registered holder of the last registered agreement for sale;

c. the holder or occupier of land held in the manner mentioned in sections 409 and 410 of the Local Government Act;

d. a person who is an owner under the letters patent of a municipality, incorporated under section 10 of the Local Government Act.

"Person" includes any corporation, partnership, company, association, or party, and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law;

"Planning Officer" means the Planning Officer of the District of Kitimat;

"Police" or "Police Officer" means any member of the Royal Canadian Mounted Police detachment in the District or any Police Officer employed by the Municipality;

Subdivision 2 - Interpretation (Continued)

1.1.2. 1. "Public Space" includes all land acquired by the Municipality by purchase, lease, dedication or otherwise and designated as a street, avenue, boulevard, walkway, park, public square, parking lot or pedestrian mall, and all similar public areas;

"Restaurant" means a public eating place having either tables, booths, or counter space where meals are prepared and served at regular breakfast, luncheon and dinner hours without wines, malt liquor or liquor. Restaurant includes a "drive-in" restaurant, where persons may eat in their automobiles and cafeteria;

"Soliciting Funds" means approaching persons on the highway or on a door-to-door basis for the purpose of obtaining from such person a contribution in monies, or standing or being on a highway for the purpose of obtaining contributions in money from other persons using the highway;

"Special Bylaw" means a bylaw which is temporary in character or related to a special purpose, and includes but shall not be limited to, bylaws relating to a particular election, or debenture for borrowing a certain sum of money, levying a special assessment, providing for the annexation of specific additional territory to the Municipality, the making of an individual contract or agreement and the granting of a specific licence;

"Tourist" or "Transient" means a person requiring temporary accommodation within the Municipality for a period not in excess of 365 days in any 400 consecutive days and whose abode is not permanently within the Municipality of Kitimat;

"Treasurer" means the Treasurer of the District of Kitimat;

"Unit" means one or more furnished habitable rooms, used or intended to be used by tourists or transients;

"Vehicle" means a device capable of being moved upon a highway in, upon, or by which any person or thing may be transported or drawn upon a highway, except devices moving only upon stationary rails or tracks;

Subdivision 2 - Interpretation (Continued)

1.1.2. 1. "Vehicle Owner" means the registered owner or any person who is a purchaser of a vehicle whether by way of Conditional Sale or otherwise howsoever, and any person who has title to or possession, conditional or otherwise, of a vehicle.

2. a. Words importing the singular number of the masculine gender only shall include the plural and the feminine and the converse.

b. The word "shall" is to be construed as imperative and the word "may" as permissive.

c. All references in this Code to "The Revised Statutes of British Columbia", or to any specific edition thereof, shall be deemed to be references to the statutes as amended from time to time.

Subdivision 3 - Bylaws

1.1.3. 1. Every bylaw passed by the Council, except special bylaws, shall constitute an amendment to the Code and shall be incorporated in the Code.

2. The classification of a bylaw as a special bylaw shall, notwithstanding the definition of a special bylaw in Section 1.1.2.1., be in the direction of the Council.

3. The Council may determine that any special bylaw of general significance to the Municipality shall constitute an amendment to the Code and be incorporated therein.

4. Every bylaw amending the Code shall specifically state the part and section or sections of the Code that the bylaw adds, alters or repeals.

Subdivision 4 - Contents

1.1.4. 1. This Code is divided into the following parts relating to the following subjects:

| | |
|---|---|
| PART 1 | GENERAL PROVISIONS |
| PART 2 | MUNICIPAL GOVERNMENT |
| PART 3 | TRAFFIC AND VEHICLES |
| PART 4 | LICENCES AND PERMITS |
| PART 5 | POLICE AND FIRE REGULATIONS |
| PART 6 | PUBLIC UTILITIES |
| PART 7 | PUBLIC HEALTH |
| PART 8 | PUBLIC WORKS |
| PART 9 | PLANNING |
| PART 10 | FINANCE |
| PART 11 | LEISURE SERVICES |
| PART 12 | CIVIL DEFENCE |
| PART 13 | BUILDING |

Subdivision 5 - Maintenance

1.1.5. 1. The Council shall determine by resolution the manner in which the Code is to be kept and maintained.

Subdivision 6 - Validity

1.1.6.

1. If any part, subdivision, or portion of a provision in the Code shall be held to be invalid, such invalidity shall not affect the remaining portions thereof, and such remaining portions shall be read and construed as being separate and distinct from the portions so held to be invalid.

2. Where any conflict arises within the Code, the more restrictive provision will govern.

3. The amendment of the Code shall not be deemed to be, or involve, any declaration whatsoever as to the previous state of the Code.

4. If in the Code there is a reference to a part or subdivision or subsection or to a number and the Code is subsequently renumbered or amended, then the new part or subdivision or subsection or number shall be incorporated into and take the place of such part, subdivision or subsection or number, and such part, subdivision or subsection containing such reference shall be deemed to be amended accordingly.

PART 1 - GENERAL PROVISIONS
Division 2 - Penalties

Subdivision 1 - Fines and Imprisonment

1.2.1. 1. A person who contravenes, violates or fails to comply with any provision of this Municipal Code or who suffers or permits any act or thing to be done in contravention or violation of the Municipal Code, or who fails to do anything required by the Municipal Code, commits an offence and shall be liable upon conviction to a fine of not more than $50,000 (Fifty Thousand dollars) and not less than $100 (One Hundred dollars), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter, S.B.C.,* 2003, c.26 or the *Offence Act,* R.S.B.C., 1996, c.338. Each day that an offence against the Municipal Code continues or exists shall be deemed to be a separate and distinct offence.

2. For the purposes of this section, and without limiting the generality of the word, "person" shall be deemed to include:

a. every registered owner, tenant and occupier of real property in connection with which a violation of this Code has been caused or allowed; and

b. every architect, designer, builder, contractor, agent, employee or other person who violates or causes to be violated any of the provisions of this Code.

3. Each and every such person may be found guilty of a separate offence and suffer the fine, penalty, and imprisonment, in this Code provided

Subdivision 2 - Bylaw Enforcement

1.2.2. 1. The Council of the District of Kitimat may from time to time as it considers necessary appoint a Bylaw Enforcement Officer or Bylaw Enforcement Officers for such term as Council may determine.

2. The Bylaw Enforcement Officer or Officers shall:

a. receive, attend and investigate complaints from the general public with regard to alleged infractions of bylaws;

b. carry out patrols of the District in an attempt to detect infractions of bylaws;

c. receive and handle general inquiries regarding bylaws and their applications;

d. service notices when required.

PART 1 - GENERAL PROVISIONS
Division 3 - Municipal Ticket Information System

Subdivision 1 - Designation of Code Provisions to be Enforced by Ticket and Persons who may Issue Tickets

1.3.1. 1. The Kitimat Municipal Code sections listed in Column 1 below may be enforced by means of a ticket in the form prescribed for the purpose of Section 264(1)(a) of the *Community Charter*.

2. The persons appointed to the job positions or titles listed in Column 2 below are designated as bylaw enforcement officers pursuant to Section 264(1)(a) of the *Community Charter* for the purpose of enforcing the Code provisions in Column 1 opposite the respective job positions.

| Column 1<br>Designated Code Section | Column 2<br>Designated Bylaw Enforcement Officers |
|---|---|
| PART 3 - TRAFFIC AND VEHICLES | Bylaw Enforcement Officer<br>Royal Canadian Mounted Police<br>Municipal Engineer<br>Works Superintendent<br>Roads Foreman |
| PART 4 - LICENCES AND PERMITS | Bylaw Enforcement Officer<br>Licence Inspector<br>Deputy Licence Inspector<br>Royal Canadian Mounted Police |
| PART 5 - POLICE AND FIRE | Bylaw Enforcement Officer<br>Animal Control officer<br>Royal Canadian Mounted Police<br>Municipal Clerk<br>Fire Chief<br>Deputy Fire Chief |
| PART 6 - PUBLIC UTILITIES | Bylaw Enforcement Officer<br>Royal Canadian Mounted Police<br>Municipal Engineer<br>Works Superintendent |

PART 1 - GENERAL PROVISIONS
Division 3 - Municipal Ticket Information System

Subdivision 1 - Designation of Code Provisions to be Enforced by Ticket and Persons who may Issue Tickets (Continued)

1.3.1. 2. (Continued)

| Designated Code Section | Designated Bylaw Enforcement Officers |
|---|---|
| PART 7 - PUBLIC HEALTH | Bylaw Enforcement Officer<br>Royal Canadian Mounted Police<br>Municipal Engineer<br>Operations Manager<br>Deputy Operations Manager<br>Roads Foreman<br>Site Personnel |
| PART 9 - PLANNING | Bylaw Enforcement Officer<br>Royal Canadian Mounted Police<br>Municipal Engineer<br>Director of Community Planning<br>Works Superintendent<br>Animal Control Officer |
| PART 13 - BUILDING | Bylaw Enforcement Officer<br>Royal Canadian Mounted Police<br>Municipal Engineer<br>Building Inspector |

Added Bylaw No. 2040, 2023

"Subdivision 2 - Designation of Offences and Fines

1.3.2. 1. As per the authority granted pursuant to Section 264(1)(c) of the *Community Charter*, the words or expressions set forth in Column 1 below designate the offence committed under the Code section number appearing in Column 2 opposite the respective words or expressions.

2. Each day that an offence against the Municipal Code continues or exists shall be deemed to be a separate and distinct offence.

3. The amounts appearing in Column 3 below are the fines set pursuant to Section 272 of the Local Government Act for the corresponding offences designated in Column 1.

PART 3 - TRAFFIC AND VEHICLES

| Column 1 Offence | Column 2 Section | Column 3 Fine |
|---|---|---|
| Driving on a closed road | 3.3.3.2 | $50 |
| Excavation without permission | 3.3.3.3 | $100 |
| Obstructing traffic | 3.4.6.1(a), (b) | $50 |
| Illegal Parking | 3.4.10.1(a)-(z) | $50 |
| Parking Over Length Vehicle | 3.4.11.1 | $50 |
| Parking Overweight Vehicle | 3.4.11.2 | $50 |
| Failure to Parallel Park | 3.4.12.1 | $50 |
| Failure to Angle Park | 3.4.12.2 | $50 |
| Parking in Parcel Pick-up Zone | 3.4.13.1 | $50 |
| No “Commercial Loading Zone” Plate | 3.4.13.2 (a) | $50 |
| Over Time - Commercial Loading Zone | 3.4.13.2 (b) | $50 |
| Permitting deposit of oil, gas, grease or similar onto street or driveway | 3.4.17.1 | $50 |

PART 4 - LICENCES AND PERMITS

| Column 1 Offence | Column 2 Section | Column 3 Fine |
|---|---|---|
| Operating a business without the required business licence | 4.1.4.1 | $100 |
| Operating contrary to terms of a business licence | 4.1.5 | $100 |
| Operating of a Mobile Food Vendor on private property without or contrary to a licence | 4.1.5 | $100 |
| Operation of a Mobile Food Vendor on private property and designated District property without or contrary to a licence | 4.1.5 | $100 |
| Operating a commercial vehicle without a valid licence plate/decal | 4.1.6.2 | $50 |

PART 5 - POLICE AND FIRE REGULATIONS

| Column 1 Offence | Column 2 Section | Column 3 Fine |
|---|---|---|
| Failure to provide information | 5.1.9 | $500 |
| Failure to provide assistance at Incident | 5.1.9 | $500 |
| Failure to comply with directions at Incident | 5.1.9 | $500 |
| Obstruct or impede Incident Response | 5.1.10(a), (c) | $500 |
| Damage or destroy Fire Department Apparatus or equipment | 5.1.10(b),(d) | $500 |
| Impersonate Fire Chief of Member | 5.1.10(e) | $500 |
| Failure to provide list of Contact Persons | 5.1.11.1 | $500 |
| Failure of Contact Person to attend premises | 5.1.11.1(a) | $500 |
| Failure of Contact Person to provide access | 5.1.11.1(b) | $500 |

| | | |
|---|---|---|
| Failure of Contact Person to operate alarm/sprinkler systems | 5.1.11.1(c) | $500 |
| Failure to carry out requirements of Order in accordance with terms of Order | 5.1.16.1 | $500 |
| Failure to ensure inspection/test of Fire Safety System Conducted by Fire Protection Technician | 5.1.17.1(a) | $500 |
| Failure to ensure inspection/test recorded or tagged/labelled. In accordance with ASTTBC rules, regulations, bylaws | 5.1.17.1(b) | $500 |
| Failure to notify Fire Department of disconnect/reconnect of Fire Safety System | 5.1.17.2 | $500 |
| Failure to provide inspection/test to Fire Chief | 5.1.17.3 | $500 |
| Failure to post sign in accordance with section | 5.1.17.4 | $500 |
| Failure to keep records | 5.1.17.5 | $500 |
| Failure to submit Fire Safety Plan on approved form | 5.1.19.1 | $500 |
| Failure to submit update to Fire Safety Plan | 5.1.19.2 | $500 |
| Allow vegetation that constitutes fire hazard | 5.1.19.3 | $250 |
| Allow accumulation of combustible materials that create fire hazard | 5.1.20.1 | $250 |
| Waste receptacle lid not closed | 5.1.21.1(a) | $500 |
| Waste receptacle too close to Building | 5.1.21.1(b) | $500 |
| Permit waste on street for more than 48 hours | 5.1.21.2 | $250 |
| Open Burning | 5.1.22.1 | $250 |
| Open Burning outside authorized hours | 5.1.22.3 | $500 |
| Failure to establish or maintain Fire Watch | 5.1.22.4 | $500 |
| Open Air fire or Open Burning in contravention of directive of Fire Chief | 5.1.22.5 | $500 |
| Fire permitted under Environmental Management Act and Open Burning Regulation without permit | 5.1.23.1 | $500 |
| Failure to inspect components of commercial cooking kitchen weekly | 5.1.25.1(a) | $500 |
| Failure to ensure commercial kitchen exhaust system cleaned by Fire Protection Technician | 5.1.25.1(b) | $500 |
| Failure to ensure that emergency access unobstructed | 5.1.26.1 | $500 |
| Failure to ensure emergency access on construction site Unobstructed and capable of use by emergency vehicles | 5.1.26.2 | $500 |
| Failure to post civic address on the front of residence | 5.1.27.1(a) | $250 |
| Failure to post civic address in required position on residence | 5.1.27.1(b) | $250 |

| | | | |
|---|---|---|---|
| | Civic address on residence not visible from 15 metres | 5.1.27.1(c) | $250 |
| | Fire Hydrant obstructed | 5.1.28.1 | $500 |
| | Tamper with Fire Hydrant | 5.1.28.2 | $500 |
| | Discharge of a bow | 5.3.1.1 | $100 |
| | Sale of fireworks to person under 18 | 5.4.1.1 | $100 |
| | Possession of fireworks if under 18 | 5.4.2.1 | $50 |
| | Illegal sale of Low Hazard Class Fireworks | 5.4.4.1 | $500 |
| | Illegal discharge of Low Hazards Class Fireworks | 5.4.4.2 | $100 |
| | Improper storage of fireworks | 5.4.5.1 (a)-(g) | $100 |
| | Improper display of fireworks | 5.4.5.2 (a)-(d) | $100 |
| | Unlicensed dog | 5.5.2.1 | $30 |
| Added - Bylaw No. 2031, 2023 | Licence tag not affixed to Dog | 5.5.2.4 | $50 |
| | Animal running at large | 5.5.3.1 | $50 |
| Added - Bylaw No. 2031, 2023 | Animal in the cemetery | 5.5.3.2 | $50 |
| Added - Bylaw No. 2031, 2023 | Animal tethered in public | 5.5.3.3 | $50 |
| | Obstructing an animal control officer | 5.5.4.1 | $150 |
| | Excessive barking or howling | 5.5.5.1 | $100 |
| | Chasing person or animal | 5.5.5.1 | $100 |
| | Feces offensive to sight or smell | 5.5.5.2 | $100 |
| | Failure to remove feces | 5.5.5.3 to 5.5.5.4 | $50 |
| | Keeping an Animal contrary to Animal Welfare Standards | 5.5.5.5 | $100 |
| | Dangerous Dogs/Animals at large | 5.5.6.1. | $300 |
| | Keeping excessive number of animals | 5.5.7.1 to 5.5.7.3 | $100 |
| Added - Bylaw No. 2031, 2023 | Animal off Leash where prohibited | 5.5.10.2 | $100 |
| Added - Bylaw No. 2031, 2023 | Animal not under care and control | 5.5.10.3 | $100 |

PART 6 - PUBLIC UTILITIES

| Column 1<br>Offence | Column 2<br>Section | Column 3<br>Fine |
|---|---|---|
| Wasting Water | 6.3.8.1. | $50 |

PART 7 - PUBLIC HEALTH

| Column 1<br>Offence | Column 2<br>Section | Column 3<br>Fine |
|---|---|---|
| Improperly Stored Solid Waste | 7.1.2.3 | $75 |
| Accumulation of Solid Waste | 7.1.2.6 | $75 |
| Prohibited Waste placed for collection | 7.1.4.1 | $75 |
| Solid Waste not generated by a Dwelling Unit placed for collection | 7.1.4.2 | $75 |
| Liquid in free form placed for collection | 7.1.4.3 | $75 |
| Unwrapped solid or grease placed for collection | 7.1.4.4 | $75 |
| Solid Waste placed for collection contrary to Kitimat Municipal Code | 7.1.4.5 (a) | $75 |
| Solid Waste Container placed for collection before 4:30 a.m. | 7.1.4.5 (b) | $75 |
| Solid Waste Container not removed by 9:00 p.m. | 7.1.4.5 (c) | $75 |
| Solid Waste container contrary to Kitimat Municipal Code | 7.1.4.5 (d) | $75 |
| Loose Residential Solid Waste | 7.1.4.5 (e) | $75 |
| Solid Waste placed for collection contrary to Kitimat Municipal Code | 7.1.4.5 (f) | $75 |
| Improperly stored container | 7.1.4.5 (g) | $75 |
| Items other than Garbage placed for collection in a Garbage Container | 7.1.5.1 | $75 |
| Garbage container placed for collection exceeding maximum weight | 7.1.5.2 | $75 |
| Garbage improperly drained of moisture | 7.1.5.3 | $75 |
| Items other than Recyclable Material placed for Collection in a Recyclable Material Container | 7.1.6.1 | $75 |
| Yard Waste container placed for collection exceeding maximum weight | 7.1.6.2 | $75 |
| Items other than Yard Waste placed for Collection in a Yard Waste Container | 7.1.7.1 | $75 |
| Yard Waste container placed for collection exceeding maximum weight | 7.1.7.2 | $75 |
| Items other than Food Waste placed for Collection in a Food Waste Container | 7.1.8.1 | $75 |
| Food Waste improperly drained and/or not placed in certified compostable bag or Kraft Paper bag | 7.1.8.2 | $75 |
| Food Waste container placed for collection exceeding maximum weight | 7.1.8.4 | $75 |
| Accumulating, spilling, dropping, dumping or disposing of Solid Waste and/or Prohibited Waste contrary to Kitimat Municipal Code | 7.1.11.1 | $75 |
| Placing Solid Waste in a Solid Waste Container without permission | 7.1.12.1 | $75 |
| Tampering, disturbing, or moving a Solid Waste Container contrary to Kitimat | 7.1.12.2 | $75 |

| | | | |
|---|---|---|---|
| | Municipal Code | | |
| | Dumping, Collecting, or Accumulating Solid Waste contrary to Kitimat Municipal Code | 7.2.2.1 | $75 |
| | Not removing doors and/or lids from a refrigerator, ice box, freezer cabinet, or similar container prior to disposal | 7.2.4.3 | $75 |
| Deleted - Bylaw No. 2036, 2023 | Accumulating, Keeping, or Disposing of Waste from building or construction operation contrary to Kitimat Municipal Code | 7.2.5 | *Repealed* |
| Deleted - Bylaw No. 2037, 2023 | Depositing excavated material contrary to Kitimat Municipal Code | 7.2.6 | *Repealed* |
| Deleted - Bylaw No. 2037, 2023 | Placing Prohibited Waste in a receptacle | 7.2.7.1 | *Repealed* |
| Deleted - Bylaw No. 2037, 2023 | Placing Garbage in a Commercial receptacle contrary to Kitimat Municipal Code | 7.2.7.2 | *Repealed* |
| Deleted - Bylaw No. 2037, 2023 | Commercial Premise receptacle contrary to Kitimat Municipal Code | 7.2.7.3, 7.2.7.9 | *Repealed* |
| Deleted - Bylaw No. 2037, 2023 | Placing Prohibited Waste in a Storing of Commercial Premise receptacle contrary to Kitimat Municipal Code | 7.2.7.7, 7.2.7.14 | *Repealed* |
| Deleted - Bylaw No. 2037, 2023 | Improper storage of Garbage | 7.2.7.5 | *Repealed* |
| | Disposing of Prohibited Waste | 7.2.8.1 | $500 |
| | Improper disposal of Prohibited Waste | 7.2.8.2 | $75 |
| | Tampering with containers | 7.2.10.1 | $75 |
| | Abandoning a Vehicle on District property | 7.2.11.1 | $75 |
| Added – Bylaw No. 2060, 2024 | Bury, Cremate or otherwise dispose of a body within the municipal boundary | 7.4.15 | $100 |
| Added – Bylaw No. 2060, 2024 | Digging or opening of a grave | 7.4.16.12 | $100 |
| Added – Bylaw No. 2060, 2024 | Placing or installing a memorial marker before interment | 7.4.17.1(l) | $100 |
| Added – Bylaw No. 2060, 2024 | Improving, altering, or embellishment of crypt or niche contrary to Division | 7.4.17.1(n) | $100 |
| Added – Bylaw No. 2060, 2024 | Visting Mausoleum not in accordance with Division | 7.4.17.1(o) | $100 |
| Added – Bylaw No. 2060, 2024 | Burning incense, candle, or other flammable product | 7.4.17.1(r) | $100 |
| Added – Bylaw No. 2060, 2024 | Flower container contrary to Division | 7.4.17.2(a) | $100 |
| Added – Bylaw No. 2060, 2024 | Tampering with flower container | 7.4.17.2(a), 7.4.23.2(a) | $100 |
| Added – Bylaw No. 2060, 2024 | Portrait contrary to Division | 7.4.17.2(f) | $100 |
| Added – Bylaw No. 2060, 2024 | Installing a fence, hedge or railing or memorial marker contrary to Division | 7.4.21.2 | $100 |
| Added – Bylaw No. 2060, 2024 | Planting, removing, cutting or destroying of trees, shrubs, plants, flowers, bulbs or rocks contrary to Division | 7.4.22.2 | $100 |
| Added – Bylaw No. 2060, 2024 | Damaging or defacing a memorial, fence, gate or structure | 7.4.22.3 | $100 |
| Added – Bylaw No. 2060, 2024 | Vehicle in Cemetery contrary to Division | 7.4.22.4 | $100 |

PART 1 - GENERAL PROVISIONS
Division 3 - Municipal Ticket Information System

| | | | |
|---|---|---|---|
| Added – Bylaw No. 2060, 2024 | Soliciting orders for markers, tablets, Memorials, curbing, cappings or like works | 7.4.22.5 | $100 |
| Added – Bylaw No. 2060, 2024 | Failing to comply with the direction of the Caretaker | 7.4.22.6 | $100 |
| Added – Bylaw No. 2060, 2024 | Failing to provide notice of military funeral service with discharge of firearms | 7.4.22.7 | $100 |
| Added – Bylaw No. 2060, 2024 | Interfering in accordance with section 47 of the *Cremation, Interment and Funeral Services Act* | 7.4.22.8 | $100 |
| Added – Bylaw No. 2060, 2024 | Disturbing or interfering in accordance with section 48 of the *Cremation, Interment and Funeral Services Act* | 7.4.22.8.1 | $100 |
| Added – Bylaw No. 2060, 2024 | Entering or remaining at the Cemetery | 7.4.22.9, 7.4.23.1(p) | $100 |
| Added – Bylaw No. 2060, 2024 | Burning incense, candle, or other flammable products in Cemetery | 7.4.22.11 | $100 |
| | Smoking or Vaping Cannabis, Tobacco, or Controlled Substance in Restricted Areas | 7.7.2.2 to 7.7.2.4 | $100 |
| | Consume Controlled Substance by Needle in Restricted Areas | 7.7.2.2 to 7.7.2.4 | $100 |
| | Smoking or Vaping Controlled Substance or Consuming by Needle in District facility or owned building | 7.7.2.5 | $100 |
| Added - Bylaw No. 2037, 2023 | Depositing excavated material contrary to Kitimat Municipal Code | 7.8.2.2 | $75 |
| Added - Bylaw No. 2037, 2023 | Placing Controlled, Prohibited, or Restricted Waste in a District Container | 7.9.2.1 | $75 |
| Added - Bylaw No. 2037, 2023 | Solid Waste Bin contrary to Kitimat Municipal Code | 7.9.2.3 | $75 |
| Added - Bylaw No. 2037, 2023 | Storing of Solid waste Bin contrary to Kitimat Municipal Code | 7.9.2.5 | $75 |

PART 9 – PLANNING

| Column 1 Offence | Column 2 Section | Column 3 Fine |
|---|---|---|
| Camping where prohibited | 9.2.1.11, 9.2.1.12 | $100 |
| Permitted Signs | 9.3.3.1(a)-(d) | $100 |
| Parking commercial vehicle in excess of 3700kg in residential zone | 9.4.1.21 | $100 |
| Parking/Storing of commercial/industrial equipment in residential zone | 9.4.1.22 | $100 |
| Parking 4 or more vehicles on registered lot in R1-A, R1-B, R1-C, R2-A or R2-B zone | 9.4.1.23 | $100 |
| Parking more than one recreational vehicle in residential zone from April 1 - Oct 31 | 9.4.1.24 | $100 |
| Parking more than one recreational vehicle in residential zone from Nov 1 - March 31 | 9.4.1.25 | $100 |

PART 1 - GENERAL PROVISIONS
Division 3 - Municipal Ticket Information System

| | | | |
|---|---|---|---|
| | Parking a trailer/boat outside permissible building area from Nov 1 - March 31 | 9.4.1.26 | $100 |
| | Keeping prohibited animals | 9.4.1.28 | $100 |
| | Failure to comply with pet regulations | 9.4.1.29(a)-(c) | $100 |
| | Depositing Snow/ Ice on Road causing an obstruction to traffic | 9.10.1.2 | $100 |
| | Creating Noise Disturbance | 9.12.1.2(a)-(d) | $100 |
| | Creating Noise Disturbance | 9.12.1.3 | $100 |
| | Water, rubbish, unwholesome matter | 9.12.2.2 | $100 |
| | Bottles/ broken glass | 9.12.2.3 | $100 |
| | Unsightly property | 9.12.2.4 | $100 |
| | Graffiti | 9.12.2.5 | $100 |
| | Brush and noxious weeds | 9.12.2.7 | $100 |
| | Noxious or destructive insects | 9.12.2.8 | $100 |
| | Failure to remove unsightly accumulations | 9.12.2.9 | $100 |
| | Unlicensed Motor Vehicles | 9.12.2.10 | $100 |

PART 13 - BUILDING

| | Column 1<br>Offence | Column 2<br>Section | Column 3<br>Fine |
|---|---|---|---|
| | Building without / contrary to a permit | 13.1.6.1 | $100 |
| | Occupancy/use contrary to permit | 13.1.6.2 | $100 |
| | Tampering with notice/certificate | 13.1.6.3 | $100 |
| | Work at variance with permit | 13.1.6.4 | $100 |
| | Obstructing a building official | 13.1.6.5. | $150 |
| | Failure to maintain rental accommodation | 13.3.4 | $100 |
| | Occupancy without a permit | 13.7.3.2 | $100 |
| Added - Bylaw No. 2036, 2023 | Place or dump Solid Waste from building construction or demolition waste on a lane, street, walkway, sidewalk or any public place without permission | 13.8.2.a | $75 |
| Added - Bylaw No. 2036, 2023 | Accumulate Solid Waste during building construction or demolition operations without permission | 13.8.2.b | $75 |

PART 1 - GENERAL PROVISIONS
Division 4 - Assessment and Taxation

Subdivision 1 - Assessment Equalization

1.4.1. 1. Notwithstanding Section 330 of the Local Government Act for the purposes of the said Act, the assessed values of land and improvements in the year 1960 shall be determined pursuant to the Assessment Equalization Act, 1953 as amended, and thereafter such values shall be so determined for the purposes of the Local Government Act and apply to bylaws pursuant thereto.

2. The Assessor and the Collector shall make appropriate changes in their records and rolls to give proper effect to the provisions of Section 1.4.1.1. hereof.

Subdivision 2 - Commercial and Industrial Fixtures

1.4.2. 1. Personal property as defined in Section 426A of the Local Government Act shall be improvements for the purpose of levying debt rates pursuant to Clause (b) of Subsection (1) of Section 206 of the Local Government Act in respect of any debenture debts outstanding as at the 31st day of December 1964 during the currency of any debentures issued under the bylaws authorizing the said debts.

2. The Assessor and the Collector shall make appropriate changes in their records and rolls to give proper effect to the provisions of Section 1.4.2.1. hereof.

Subdivision 3 - Exemptions

1.4.3. 1. Any hall owned by a religious organization and used in connection with a building set apart and in use for the public worship of God is exempt from taxation.

2. The lands surrounding a church, church hall, or institution of learning which is exempt from taxation, extending to the boundaries of the parcel on which the building actually stands, is wholly exempt from taxation.

Subdivision 3 - Exemptions (Continued)

1.4.3. 3. Where a building is exempt from taxation by the provisions of the Local Government Act or of Section 1.4.3.1. hereof, extends across a line between two or more contiguous lots, the exemption under Section 1.4.3.2. shall extend to the boundaries of all the lots a portion of which is occupied by the building.

4. A lot or lots contiguous to land which is exempt under Sections 1.4.3.2. and 1.4.3.3., which is or are used entirely to provide off-street parking or playground space for the buildings on the exempt land, and which is or are owned by the organization which owns the exempt building, is wholly exempt from taxation.

5. Where a portion only of a lot is to be exempt, or where a lot referred to in Sections 1.4.3.2., 1.4.3.3, and 1.4.3.4. contains a building which is not exempt from taxation, the portion of the lot concerned which is to be exempt shall be set out in a separate bylaw, in accordance with the provisions of the Local Government Act.

PART 1 - GENERAL PROVISIONS
Division 5 - Elections

Subdivision 1 - Interpretation

1.5.1. 1. In this Division, unless the context otherwise requires:

"Election" shall mean election of candidates, assent voting, referendums, plebiscites, or other event directed as a voting opportunity by Council conducted on behalf of the District of Kitimat or on contract to any other jurisdiction.

Subdivision 2 - Advance and Additional Advance Voting Opportunity

1.5.2. 1. For every Election, advance voting opportunities will be held on the 10th day and the 3rd day before general voting day between the hours of 8 a.m. and 8 p.m. at a location designated by the Chief Election Officer.

2. The Chief Election Officer is authorized to establish additional voting opportunities to be held in advance of general voting day and may designate the voting places and set the voting hours for these voting opportunities in a manner the Chief Election Officer considers appropriate.

3. The Chief Election Officer is authorized to establish additional general voting opportunities for general voting day and to designate the voting places and set the voting hours, within the limits set out in section 106 of the *Local Government Act*, for the additional general voting opportunities in any manner the Chief Election Officer considers appropriate.

Subdivision 3 - Special Voting Opportunities

1.5.3. 1. Special Voting Opportunities are authorized and to be established at a place, date and time as determined by the Chief Election Officer in order to give electors who may otherwise be unable to vote an opportunity to do so.

2. Special voting opportunities will be restricted to only electors admitted to, residing, visiting or working at designated locations where a special voting opportunity has been established by the Chief Election Officer.

3. A presiding election official may attend at locations established under subsection (1) to take the elector's vote.

4. Portable ballot boxes will be used by the presiding election officials in which the ballots containing the votes at the special opportunity voting places will be placed.

5. The presiding election officials appointed to attend at the special

voting opportunity locations shall conduct the voting proceedings generally in accordance with the following:

(a) explain and demonstrate the voting procedures;

(b) all electors of special voting opportunities must register in accordance with the *Local Government Act*;

(c) have the elector sign the voting book;

(d) provide a ballot to the elector and any further instructions the elector requires;

(e) allow the elector to mark the ballot in private and place it into a portable ballot box.

6. Bedside voting is authorized for patients and residents and will be conducted in consultation with the facility and with the assistance of the presiding election official.

7. No other person may be present or adjacent to the elector during voting unless approved by the Chief Election Officer or designated presiding election official.

8. The presiding election official will ensure that the portable ballot box is secured. As soon as the presiding election official has attended at all facilities or institutions as directed by the Chief Election Officer, the presiding election official must seal the portable ballot box and return it to the Chief Election Officer or their designate.

9. The number of candidate representatives who may be present at a Special Voting Opportunity is limited to one.

Subdivision 4 - Mail Ballot Voting and Registration

1.5.4. 1. Voting and registration by mail are authorized in accordance with the *Local Government Act* and any regulations as amended.

2. The Chief Election Officer may establish the time limits in relation to voting by mail.

3. In section 1.5.4:

"Applicant" means an elector who wants to vote by mail and make a request for a mail ballot;

"Authorized Person" means a person that the applicant has authorized, on the applicant's behalf, to:
a) pickup a mail ballot package; or
b) drop off a completed mail ballot package

"Register of Mail Ballots" means the records that the Chief Election



*Kitimat Municipal Code*, CONVENIENCE COPY. The District of Kitimat accepts no responsibility for errors or omissions in this consolidation. A CERTIFIED COPY is available from Corporate Administration, District of Kitimat.

Officer must keep in order to address any challenges to an elector's right to vote.

4. An Applicant shall apply by submitting to the Chief Election Officer their name and address during the period:
a) commencing at the start of the nomination period; and
b) ending at 4:00 pm (local time) two (2) days before general voting day.

5. Upon receipt of a request for a mail ballot, the Chief Election Officer shall, between the time the ballots are ready and 4:00 p.m. (local time) two (2) days before general voting day:

a) Make available to the Applicant a mail ballot package which contains:
    i. the content set out in section 110 (7) of the *Local Government Act*;
    ii. instructions and information advising the Applicant how to vote and register by mail; and
    iii. a statement advising the Applicant that
        a. the Applicant must meet the eligibility to vote criteria; and
        b. must attest to such fact; and

b) Record in the Register of Mail Ballots and, upon request, make available for inspection:
    i. the name and address of all Applicants who request and are issued a mail ballot and elector registration package; and
    ii. any other information that the Chief Election Officer deems helpful to maintain the Register of Mail Ballots.

6. At the Applicant's direction, the Chief Election Officer may distribute the mail ballot package in any of the following ways by:

a) sending the mail ballot package by Canada Post;
b) sending the mail ballot package by courier at the expense of the Applicant;
c) having the mail ballot package picked up by the Applicant at a designated time and location; or
d) having the mail ballot package picked up by an Authorized Person at a designated time and location.

7. The Chief Election Officer may request that the Authorized Person show identification and sign a form before providing the Authorized Person with the mail ballot package.

<u>Mail Ballot Voting Procedure</u>

8. To vote by a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.

9. After marking the ballot, the elector shall:

   a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
   b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
   c) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope; and
   d) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received by the Chief Election Officer no later than the close of voting on general voting day.

10. In accordance with section 110 (4) of the *Local Government Act*, electors who register by mail are not required to produce to an election official a copy of proof of their identity and place of residence; however, they must attest to the fact they are eligible to vote and meet the registration criteria in the presence of a witness and record having done so on the certification envelope.

Mail Ballot Acceptance or Rejection

10. Where a mail ballot and its contents are received by the Chief Election Officer by 2:00 p.m. (local time) on the Friday prior to General Voting Day, the Chief Election Officer shall, upon receipt of the returned envelope and its contents:

    a) immediately record the date of receipt in the Register of Mail Ballots; and
    b) open the return envelope and examine the certification envelope.

11. When the Chief Election Officer examines the certification envelope, the Chief Election Officer shall:

    a) confirm the identity of the elector on the Register of Mail Ballots and their entitlement to vote;
    b) determine the fulfilment of the requirements in section 70 of the *Local Government Act* and the completeness of any application to register, if required; and
    c) determine the completeness of the certification envelope.

12. If the Chief Election Officer is satisfied that the elector has met the

requirements in section 11, the Chief Election Officer shall:

a) mark the certification envelope as “accepted”; and
b) place the accepted and unopened certification envelope with any other certification envelopes in a designated mail ballot box.

13. If the Chief Election Officer determines that:

a) The Chief Election Officer is not satisfied as to the identity of the elector; or
b) the elector has not completed the application to register in accordance with this Division or the *Local Government Act*; or
c) the returned mail ballot envelope is received by the Chief Election Officer after the close of voting on general voting day,

the Chief Election Officer shall mark the unopened returned mail ballot envelope or rejected certification envelope as “rejected”, indicate the reason for the rejection on the rejected mail ballot and place it in a designated ballot box with the other rejected mail ballots.

14. The Chief Election Officer shall secure and retain in their custody all opened and unopened, accepted and rejected mail ballots and certification envelopes in order to manage any challenges made in accordance with this Division.

15. After 2:00 p.m. (local time) on the Friday prior to general voting day at a time and place decided by the Chief Election Officer, the Chief Election Officer shall invite candidate representatives to observe the opening of the accepted certification envelopes received up to 2:00 pm on the Friday prior to general voting day for the purpose of preparing the mail ballots for counting and to provide an opportunity for challenges to be made. At such time, the Chief Election Officer, in the presence of at least one (1) election official and any candidate representatives, shall:

a) deal with any challenges to the electors involving the accepted certification envelopes;
b) open the accepted certification envelopes;
c) remove the secrecy envelopes containing the ballots; and
d) unless the right of a person identified on the accepted certification envelope has been challenged and not resolved in favour of that person being permitted to vote, place the secrecy envelope containing the ballot in a designated mail ballot box.

16. Any returned mail ballot enveloped received after the time and date set out in section 15 will be handled and processed in accordance with sections 10 through 14 until the close of general

voting.

17. As soon as practicable after the close of voting on general voting day, in the presence of at least one election official and any candidate representatives, the Chief Election Officer shall ensure that the unopened accepted certification envelopes, previously processed secrecy envelopes, and any other unopened returned mail ballots packages received in time are opened, duly processed in accordance with this subdivision, and the accepted ballots contained therein are counted in accordance with the provisions of this Division and the *Local Government Act*.

Challenge of Elector

18. A person who qualifies under section 126 of the *Local Government Act* may challenge the right of a person to vote by mail ballot on the grounds set out in section 126 of the *Local Government Act*.

Elector's Name Already Used

19. If, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in the elector's name, the Chief Election Officer shall comply with Section 127 of the *Local Government Act*.

Replacement of Spoiled Ballot

20. If an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by:

a) advising the Chief Election Officer of the ballot spoilage; and
b) mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.

21. Upon receipt of the spoiled ballot package and request for replacement, the Chief Election Officer shall record such fact and proceed in accordance with 1.5.4.5 – 1.5.4.7 so far as practicable within the applicable time limitations.

Subdivision 5 – Registration and Voters Lists

1.5.5. 1. For the purposes of all local elections and assent voting under Parts 3 and 4 of the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act*, shall become the register of resident electors on the 52nd day prior to the general voting day for such elections and submissions to the electors.

2. Pursuant to section 77 (8) of the *Local Government Act*, a fee of TWENTY-FIVE (25¢) cents per page will be imposed for providing any additional copies of the list of registered electors and any copy or other record of information of referred to in section 59 of the *Local Elections Campaign Financing Act.*

3. An eligible voter who is not on the Provincial list of voters may register as an elector on general voting day, at an advance voting opportunity, special voting opportunity, or by mail in accordance with Part 1, Division 5, Subdivision 4.

Subdivision 6 – Access to Nomination Documents

1.5.6. 1. Public access to nomination documents will be provided by viewing of the documents on the District of Kitimat website as soon as possible from time of delivery of nomination documents to the Chief Election Officer until 30 days after the declaration of the election results pursuant to section 146 of the *Local Government Act*. This is in addition to the documents being made available for inspection in the District Office during regular office hours.

Subdivision 7 – Recount Procedure

1.5.7 1. If, in order to determine the results, in the Chief Election Officer's sole discretion, it is necessary or desirable to conduct a recount of the votes for any position or question, the Chief Election Officer may conduct a recount generally in accordance with this Division and the *Local Government Act*. To obtain the election results, the Chief Election Officer shall tally the votes and communicate the total election results.

PART 1 - GENERAL PROVISIONS
Division 6 - Advisory Planning Commission

Subdivision 1 - The Commission

1.6.1. 1. An Advisory Planning Commission (the "Commission") is hereby established for the District of Kitimat.

Subdivision 2 - Referrals and Duties of the Commission

1.6.2. 1. The Commission shall advise Council on all matters respecting land use, community planning or proposed bylaws and permits as authorized under the Local Government Act and:

a. as referred to the Commission in accordance with subsection 1.6.2.2; and

b. as additionally referred to the Commission by Council by Resolution.

2. Staff are directed to refer the following matters to the Commission, unless Council identifies otherwise by resolution:

a. Official Community Plan amendment applications;

b. Zoning amendment applications;

c. Development Permit applications, except:

i. Applications where staff have been delegated decision-making authority;
ii. Amendment applications where only an extension of time is under consideration or where the development proposal has not substantially changed from the original proposal;
iii. Applications dealing with hazardous conditions pursuant to section 488(1)(b) of the Local Government Act.

d. Temporary Use Permit applications, except applications where staff have been delegated decision-making authority.

3. Staff that have been delegated decision-making authority for matters under s.1.6.2.2. have the option, but not the obligation, to additionally refer matters under their authority provided such does not unduly delay processing time of the application. In these cases, the Commission shall advise staff who shall include the information in a report to Council if the applicant seeks reconsideration of staff's decision.

4. The Commission shall provide its advice to Council by way of resolution voted upon by eligible Commission members.

5. The referral of a matter to the Commission does not preclude Council from deciding on the matter referred prior to receiving the advice of the Commission.

PART 1 - GENERAL PROVISIONS
Division 6 - Advisory Planning Commission

Subdivision 3 - Composition, Appointment and Tenure of Membership

1.6.3. 1. The Commission shall consist of up to seven (7) persons who reside or are employed within the municipality who are not:

a. Council members;

b. Regional District board directors;

c. employees or officers of the local government;

d. subdivision approving officers; or

e. otherwise ineligible because of statutory restrictions.

2. In addition to appointed members, the following may attend a meeting of the Commission in a resource capacity:

a. Mayor or a Council member appointed by the Council to represent the Council;

b. the Chair of the School Board or a Board member appointed by the School Board to represent the School Board;

c. District staff; and

d. other persons invited by the Commission.

3. Commission members shall be appointed by Council resolution.

4. Council may, in its sole discretion, terminate the appointment of any Commission member at any time.

5. Members of the Commission shall otherwise hold office for two (2) years in the normal course.

6. No member shall serve more than two (2) consecutive terms but shall be eligible for reappointment after being off the Commission for twelve (12) months.

Subdivision 3 - Composition, Appointment and Tenure of Membership (Continued)

1.6.3.

7. As a condition of appointment, each member shall:

   a. acknowledge in writing their obligations under this Division, the bylaws of the District, and all applicable provisions of the Community Charter and Local Government Act, including but not limited to the conflict of interest requirements contained in Division 6 of the Community Charter;

   b. attend training sessions given from time to time, at the request of Council or staff.

8. Each member shall attend each duly called meeting of the advisory planning commission. A member who fails to attend three (3) successive meetings of the Commission, except because of illness or with leave of Council, shall be deemed to have resigned from the Commission.

Subdivision 4 - Chair and Officers

1.6.4. 1. The Commission shall, annually, elect one member as Chair and another member Vice-Chair.

   a. The Chair shall preside and regulate the order of business at all meetings.

   b. In the absence of the Chair, the Vice-Chair shall preside at any Commission meeting.

   c. If the Chair or Vice-Chair are not present FIFTEEN (15) minutes after an appointed meeting time the members shall choose a Commission member to act as Acting Chair.

2. The Chief Administrative Officer shall appoint a Commission Secretary who shall prepare and retain custody of the minutes and proceedings of Commission meetings.

Subdivision 4 - Chair and Officers (Continued)

1.6.4.

3. In addition to conflict of interest provisions applicable to Commission members in accordance with provincial legislation, where any member of the Advisory Planning Commission or their family or their employer or their business associates has any interest in any matter being considered by the Commission that member shall absent themself from all aspects of that consideration.

4. No member of the Commission shall, on behalf of the Commission, District or Council, make representation, either verbally or in writing, to any member of the public, press, government agency or otherwise, unless they have been given permission to or have been directed to do so by Council resolution.

Subdivision 5 - Meetings and Procedures

1.6.5.

1. All meetings of the Commission shall be at the call of the Chair, and shall only be held as required to deal with matters that have been referred to the Commission.

2. When a matter has been referred to the Commission, notice of a meeting and meeting agenda including relevant documentation shall be sent by the Secretary to each Commission member, as well as to any person whose application is being considered.

3. The quorum necessary for the transaction of the business of the Commission shall be at least half of the total number of appointed Commission members at any given time. In the event that a quorum is not present within 30 minutes after the time appointed for a meeting, the names of those present shall be recorded and the meeting shall be adjourned.

4. Questions arising at any meetings shall be decided by a majority of votes of Commission members. In case of an equality of votes, the question shall be lost.

5. Persons attending meetings in a resource capacity shall not vote on matters under consideration.

6. The Commission shall provide its advice by formulating and voting upon a Resolution at the meeting called to consider the matter.

Subdivision 5 - Meetings and Procedures (Continued)

1.6.5.

7. The Commission shall otherwise meet and dispatch business, adjourn and otherwise regulate their meetings by adopting procedural rules, and may from time to time vary such rules, by the affirmative vote of a majority of all Commission members. Where no rule has been made then the rules of procedure applicable to District Council shall apply.

8. The Commission may conduct all or part of a meeting by means of electronic or other communication facilities, subject to and in accordance with applicable provincial requirements.

9. All meetings shall be open to the public.

10. Where the Commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit and persons reasonably affected by the matter are entitled to attend Commission meetings and be heard.

11. The Commission shall cause proper minutes to be kept of their proceedings. Commission minutes shall be made available to the public on request.

PART 1 - GENERAL PROVISIONS
Division 7 - Leisure Services Advisory Commission

Updated February 17, 2026

Bylaw No. 2078, 2026

Subdivision 1 - The Commission

1.7.1. 1. There is hereby created a Commission to be known as the Leisure Services Advisory Commission.

Subdivision 2 - Interpretation

1.7.2. 1. In this division "Commission" means the Kitimat Leisure Services Advisory Commission.

2. In this division “Council” means the Mayor and Council for the District of Kitimat.

Subdivision 3 - Purpose

1.7.3. 1. The purpose of the Commission is to advise Council on matters relating to Leisure Services in the District of Kitimat.

2. The Commission may:

a. Review and provide recommendations on policies, programs and long-range plans for recreation and cultural services.

b. Advise on the use, development and maintenance of parks, trails, recreation facilities, and cultural spaces.

c. Provide input on major capital projects related to leisure services.

d. Review and make recommendations on fees and service changes related to leisure services.

e. Promote community involvement, wellness and participation in leisure services.

f. Provide advice on any other matter referred through Council.

3. The Commission shall assist the Council in an advisory capacity as needed by functioning as the District of Kitimat’s Family Court Committee regarding matters that affect the Kitimat Youth Centre and matters that affect youth who may be considered at risk.

Subdivision 4 – Composition, Appointment and Tenure of Commission

Commission Composition

1.7.4. 1. The Commission shall consist of up to nice (9) persons all of whom shall have voting powers, shall be appointed as follows:

a. One (1) member of the Board of School Trustees of School District No. 82.

b. One (1) member of the Council of the District of Kitimat.

c. Four (4) persons who reside or are employed within the District of Kitimat.

d. One (1) student representative from a local secondary school, preference to a student in Grade 10.

e. One (1) representative from Haisla Nation, appointed by Haisla Nation Council.

f. One (1) senior representative, being a resident of the District of Kitimat who is 55 years of age or older.

Commission Appointments and Tenure

2. a. Commission members shall be appointed by Council resolution.

b. Council may, in its sole discretion, terminate the appointment of any Commission member at any time, through resolution of an affirmative vote of not less than two thirds of Council.

c. Council will set the term of the appointment by resolution. The term shall be no more than two (2) years.

d. The term of the appointment student representative will end upon graduation from Grade 12 or after two years, whichever is earlier.

e. Members may be appointed by Council resolution to one consecutive term of no more that two (2) years.

f. No member shall serve more than two (2) consecutive terms but shall be eligible for reappointment after being off the Commission for twelve (12) months.

g. Each member shall attend each duly called meeting of the Commission. A member who fails to attend three (3) successive meetings of the Commission, except because of illness or with leave of Council, shall be deemed to have resigned from the Commission.

h. The members of the Commission shall serve without remuneration, except as otherwise authorized by Council.

Subdivision 5 – Chairs and Officers

1.7.5. 1. The Commission shall, annually, elect a Chair and a Vice-Chair

a. The Chair shall preside and regulate the order of business at all meetings.

b. In the absence of the Chair, the Vice-Chair shall preside at any Commission meeting.

c. If the Chair or Vice-Chair are not present FIFTEEN (15) minutes after an appointed meeting time the members shall choose a Commission member to act as Acting Chair.

2. The Director of Leisure Services or their delegate shall attend all Commission meetings shall attend the meetings in an advisory capacity.

3. The Director of Leisure Services or their delegate is responsible for preparation and distribution of the agenda, positing of the meeting notice and recording the meeting minutes.

4. In addition to conflict-of-interest provisions applicable to Commission members in accordance with provincial legislation, where any member of the Commission, their family, their employer, or their business associates has any interest in any matter being considered by the Commission that member shall declare the conflict and remove themself from all aspects of that consideration.

5. No member of the Commission shall, on behalf of the Commission, District of Kitimat, or Council, make representation, either verbally or in writing, to any member of the public, press, government agency or otherwise, unless they have been given permission to or have been directed to do so by Council resolution.

Subdivision 6 – Meetings and Procedure

1.7.6.

1. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the question shall be lost.
2. The Commission shall meet monthly, a minimum of 7 times per year. Additional meetings may take place as necessary determined by the Commission or Council, meetings shall be open to the public. Unless otherwise noted the Commission shall conduct meetings in accordance with the Council procedure bylaw.
3. Meetings shall be open to the public, unless otherwise noted as a closed due to Section 90 of the Community Charter.
4. Unless otherwise noted the Commission shall conduct meetings in accordance with the Council procedure bylaw.
5. Notice of a meeting and meeting agenda including relevant documentation shall be sent to each Commission member, as well as to any person whose application is being considered.
6. Persons attending meetings in a resource capacity shall not vote on matters under consideration.
7. A copy of the Commission minutes shall be provided to Corporate Administration for distribution to Council.

Subdivision 7 - Quorum

1.7.7.

1. The quorum necessary for the transaction of business of the Commission shall be FIVE (5) Commission members at any given time. If a quorum is not present within 15 minutes after the time appointed for a meeting or within 15 minutes of being lost, the names of those present shall be recorded and the meeting shall be adjourned.

Subdivision 10 - Reports

1.7.10.

1. The Commission shall report to Council on such of the matters contained in Section 1.7.3. as the Commission may deem expedient or as the Council may request.

PART 1 - GENERAL PROVISIONS
Division 9 - Board of Variance

Subdivision 1 - The Board of Variance

1.9.1. 1. A Board of Variance is hereby established for the District of Kitimat.

Subdivision 2 - Appointments

1.9.2. 1. The Board appointments shall be as per the Local Government Act.

Subdivision 3 - Jurisdiction

1.9.3. 1. Jurisdiction of the Board shall be pursuant to the Local Government Act.

Subdivision 4 - Board Secretary

1.9.4. 1. The Chief Administrative Officer shall appoint a Board Secretary who shall:

a. receive notices of appeal;

b. determine whether the appeal involves a matter within the jurisdiction of the Board of Variance;

c. if the appeal is outside the jurisdiction of the Board of Variance, notify the appellant;

d. if the appeal is within the jurisdiction of the Board of Variance, notify the Chairman of the Board of Variance and arrange for a meeting of the Board, such meeting to be held not more than THIRTY (30) days after receipt of the application, unless an extension is allowed by the written consent of the appellant;

e. ensure that proper notification of the meeting is given in compliance with Local Government Act requirements;

f. keep proper records of the Board of Variance proceedings; and

g. maintain a record of all decisions of the Board which will be available for public reference at the Municipal Offices during regular business hours.

Subdivision 5 - Applications

1.9.5. 1. The registered owner(s) of a property, or a person authorized in writing by the owner(s), may make application to the Secretary for a Board of Variance ruling. The application procedure is as follows:

a. the applicant, or the Secretary on behalf of the applicant, completes an appeal for hearing application form;

b. the application form may include, but may not be limited to, the following information:

(i) name, address, and telephone number of applicant and registered owner(s);

(ii) copy of title certificate;

(iii) legal description of property;

(iv) location or map of property;

(v) present zoning of property;

(vi) description of existing development;

(vii) description of proposed development;

(viii) description of existing Municipal Code regulations;

(ix) description of nature and extent of relief applied for;

(x) reasons and/or comments may be attached to, and form part of, the application.

Subdivision 6 - Notice of Hearing

1.9.6. 1. Notice of the hearing stating date, place, time of appeal and indicating nature of the appeal shall be mailed or otherwise delivered, by the Secretary not less than SEVEN (7) days prior to the date of the hearing, to:

a. members of the Board of Variance;

b. the Appellant;

Subdivision 6 - Notice of Hearing (Continued)

1.9.6. 1. c. registered owner(s) as shown on the last revised assessment roll and all occupiers of the properties located adjacent to the parcel subject of the appeal, including properties separated by private or public rights-of-way.

Subdivision 7 - Chairman

1.9.7. 1. The Board of Variance shall be convened by the Chairman on the date of hearing and at the time and place set out in the notice. If the Chairman is absent for a hearing, those members present, may appoint an Acting Chairman for the duration of the hearing.

Subdivision 8 - Quorum

1.9.8. 1. A quorum for a hearing is TWO (2) members.

Subdivision 9 - Representation

1.9.9. 1. The Board of Variance shall receive or hear all representations made to the Board. Any person or body with property interests within the municipality is entitled to be heard at the hearing. The appellant shall, however, be afforded first opportunity to present evidence and arguments.

Subdivision 10 - Decision

1.9.10. 1. The decision of the Board shall be by a majority of those members present and shall be made within SEVEN (7) days of completion of the hearing. Within SEVEN (7) days of the decision, the Secretary shall enter the decision into the record and mail or otherwise deliver notice of the decision to the appellant, all persons who made representation at the hearing and the local Building Inspector.

PART 1 - GENERAL PROVISIONS
Division 10 - Community Resource Board

Subdivision 1 - The Board

1.10.1. 1. A Community Resource Board is hereby established for the District.

Subdivision 2 - Interpretation

1.10.2. 1. In this division "Board" means the Community Resource Board.

Subdivision 3 - Purpose

1.10.3. 1. The Board shall conduct ongoing liaison with West Fraser and others regarding viewscapes, logging, and development plans and other issues associated with West Fraser's Kitimat Forest License and other forest activities within municipal boundaries and shall act in an advisory capacity to Council.

Subdivision 4 - Composition of the Board

1.10.4. 1. The members of the Board, all of whom shall have voting powers, shall be appointed as follows:

a. one member of the Council of the District of Kitimat who shall be appointed by resolution in December of each year;

b. six electors of the District of Kitimat who shall be appointed by resolution. Council will select appointees, from diverse and broad backgrounds, for their willingness to serve and their expertise to contribute.

2. a. The member of the Board who is a member of the Council of the District of Kitimat shall hold office for ONE (1) year.

b. The members of the Board appointed under Section 1.10.4.1.b. hereof shall hold office for TWO (2) years.

3. Appointments to the Board shall be made during the month of March in each year and shall expire on the 31st day of March two years later.

4. Except for the member of Council, no person shall be appointed for more than TWO (2) consecutive full terms, but shall be eligible for re-appointment after being off the Board for TWELVE (12) months.

5. The Council may, by an affirmative vote of not less than two-thirds of all members thereof, remove any members of the Board.

Subdivision 4 - Composition of the Board (Continued)

6. The members of the Board shall serve without remuneration.

7. Notwithstanding 1. above, the following procedure shall be used for the initial appointments to the Board:

   a. The first appointments shall be made in the month of adoption of the Bylaw.

   b. Of the initial appointments, three appointments made under Section 1.10.4.1.b shall be for a term to expire March 31, 2005 and three appointments made under Section 1.10.4.1.b shall be for a term to expire March 31, 2006.

Subdivision 5 - Officers

1.10.5. 1. The Board shall, annually, from its own members, appoint a Chair, Vice Chair and a Secretary.

Subdivision 6 - Procedure

1.10.6. 1. The Board Meeting Procedures shall be those used at Council Committee of the Whole meetings.

2. The quorum necessary for the transaction of general business of the Board shall be FOUR (4) members.

Subdivision 7 - Meetings

1.10.7. 1. The Board shall meet from time to time and regulate their meetings as they see fit.

2. In the absence of the Chair, the Vice-Chair shall preside as Chair at any meeting of the Board

3. The Secretary, or delegate, shall prepare and retain custody of the minutes of proceedings of the Board and communicate to Council all recommendations of the Board.

4. Copies of the Minutes of all meetings shall, as soon as possible following the meeting, and before adoption, be distributed to the Chief Administrative Officer for distribution to Council. Regular minutes of the Board will be distributed at a Regular meeting. Confidential issues dealt with by the Board will be placed in a separate set of In Camera minutes to be distributed at an In Camera meeting of Council.

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Subdivision 8 - Duties

1.10.8. 1. The Board shall conduct ongoing liaison with West Fraser and others regarding viewscapes, logging, and development plans and other issues associated with West Fraser's Kitimat Forest License and other forest activities within municipal boundaries and shall act in an advisory capacity to Council.

Repealed February 20, 2024

Division 11 - *Repealed {Bylaw No. 2046, 2024]*

PART 2 - MUNICIPAL GOVERNMENT
Division 1 - Council Procedure

Subdivision 1 - Definitions

2.1.1. In this part,

**Committee** means a standing, select, or other committee of Council, or Commission, but does not include C.O.W.

**Corporate Officer** means the Director of Corporate Administration for the District

**C.O.W.** means the Committee of the Whole Council

**Council** means the Council of the District of Kitimat

**District** means the District of Kitimat

**District Website** means the information resource found at www.kitimat.ca or an alternate internet address provided by the District

Amended by Bylaw No. 2038, 2023 **Electronic Meeting** means a meeting where all members of Council and participants are participating electronically in accordance with Part 2, Division 2 of the *Kitimat Municipal Code*

Amended by Bylaw No. 2038, 2023 **Electronic Participation** means a meeting where members of Council and participants are participating electronically in accordance with Part 2, Division 2 of the *Kitimat Municipal Code*

**Mayor** means the Mayor of the District or designate as provided in this bylaw

**Municipal Office** means the Municipal Office located at 270 City Centre, Kitimat, British Columbia

**Public Notice Posting Places** means the notice boards at the Municipal Office, the lower floor of the City Centre Mall, and the District Website

**Regular Council Meeting** means a meeting that is regularly scheduled with that schedule posted publicly in accordance with S. 127 of the Community Charter

Subdivision 2 - Application of Rules of Procedure

2.1.2. 1. The provisions of this Part govern the proceedings of Council, C.O.W. and Committees of Council, as applicable.

2. Suspension of Rules: Any one or more of the rules and orders relating to the conduct of Council meetings contained in this Part may be temporarily suspended by unanimous vote of the members present, being no less than five.

3. In cases not provided for under this Bylaw, the latest edition of the Newly Revised Robert's Rules of Order shall apply to the proceedings of Council and Council Committees to the extent that those Rules are:
   a. applicable in the circumstances; and
   b. consistent with provisions of this Part and the *Community Charter*.

PART 2 - MUNICIPAL GOVERNMENT
Division 2 - Council Meetings

Subdivision 1 - Inaugural Meeting

2.2.1. 1. Following a general local election, the first Council meeting must be held on the first Monday in the month following an election.

2. If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

Subdivision 2 - Time and Location of Meetings

2.2.2. 1. Unless otherwise directed by the Mayor, the Regular Council meetings, Committee of the Whole, and Special meetings of Council shall be held in the Council Chambers, 606 Mountainview Square.

2. Regular Council meetings shall:

a. be held on the first and third Monday of each month, except when such date is a statutory holiday, in which case the meeting must be held on the next day the Municipal Office is open which is not a statutory holiday; and

b. begin at 7:00 pm.

3. Regular Council meetings may:

a. be cancelled by Council, provided that two consecutive meetings are not cancelled; and

b. be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two days written notice.

Subdivision 3 - Notice of Council Meetings

2.2.3. 1. In accordance with Section 127 of the *Community Charter*, Council must prepare annually on or before January 1, a schedule of the dates, times and places of Regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.

Subdivision 3 - Notice of Council Meetings (Continued)

2. In accordance with Section 127 of the *Community Charter*, Council must give public notice annually on or before January 1 of the availability of that schedule of Regular Council meetings in accordance with Section 94 of the *Community Charter*, being posted in the Public Posting places and a newspaper for two consecutive weeks.

3. Where revisions are necessary to the annual schedule of Regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Regular Council meeting.

Subdivision 4 - Notice of Special Meetings

2.2.4 1. Except where notice of a Special meeting is waived by unanimous vote of all Council members under Section 127(4) of the Community Charter, a notice of the date, hour, and place of a Special Council meeting must be given at least 24 hours before the time of meeting, by

a. posting a copy of the notice at the Public Notice Posting places; and

b. leaving one copy for each member of Council at the place they have directed material to be sent.

2. The notice under Section 2.2.4.1 must describe in general terms the purpose of the meeting.

Subdivision 5 – Electronic Participation and Meetings

Electronic Participation

2.2.5

1. A member of Council or a Committee member may Electronically Participate in a Committee, Committee of the Whole, Regular Council Meeting, Special Meeting, or Public Hearing as set out in Section 128.3 of the *Community Charter*.

2. Where a member of Council or Committee is attending in accordance with Section 2.2.5.1, they are deemed to be present under Section 128.3(3) and constitute a member for purposes of quorum.

Subdivision 5 – Electronic Participation and Meetings
Electronic Participation (Continued)

2.2.5

3. In instances where the Mayor or Chair will participate in a meeting of a Committee, a Committee of the Whole, Special Meeting, or Regular Council Meeting electronically, the person designated to act in place of the Mayor or Chair shall preside. In absence of the designate, the members present shall elect from among themselves a presiding member for that meeting:
   a) In the case of an Electronic Meeting as authorized in Section 2.2.5.10, Section 2.2.5.11, or Section 2.2.5.12, the Mayor or Chair may preside

4. If there is an interruption in the communications link to a member(s) participating electronically the remaining members may take a five minute recess to determine whether the link can be re-established.

5. Delegations may Electronically Participate if notice is provided to the Director of Corporate Administration with at least four (4) hours notice.

6. Members of the public may Electronically Participate within the regulations of this Part.

7. A Council or Committee member may Electronically Participate in a Regular Council Meeting, Committee of the Whole, and Special Meeting of Council up to seven (7) times per calendar year, and whenever necessary due to illness or as a caregiver to an ill family member, with permission from the Mayor, or with the leave of Council through resolution:
   a) Participation in Electronic Meetings as authorized in Section 2.2.5.12 would not impact this Section.

8. A Council or Committee member may Electronically Participate in a Public Hearing up to seven (7) times per calendar year, and whenever necessary due to illness or as a caregiver to an ill family member, with permission from the Mayor, or with the leave of Council through resolution.

   a) Participation in Public Hearings that have been designated to be conducted through electronic or other communication facilities, would not impact this Section.

9. A Council member or Committee member must provide notice of Electronic Participation to the Director of Corporate Administration with at least four (4) hours notice.

PART 2 - MUNICIPAL GOVERNMENT
Division 2 - Council Meetings

Subdivision 5 – Electronic Participation and Meetings

Electronic Meetings

2.2.5

10. Special Council meetings may be conducted as Electronic Meetings at the discretion of the Mayor.

11. Committee meetings may be conducted as Electronic Meetings at the discretion of the Chair.

12. Regular Council Meeting and Committee of the Whole meetings may be conducted as Electronic Meetings at the discretion of the Mayor.

13. For the purposes of Regular Council Meetings and Special Meetings, Committee of the Whole, and Public Hearings held as Electronic Meetings per Section 2.2.5.10 and Section 2.2.5.12:

    a) notice will be provided through notice in Public Notice Posting Places at least Twenty Four (24) hours in advance of the meeting.

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Subdivision 5 – Electronic Participation and Meetings (Continued)

b) the specified place where the public may attend to hear, or watch and hear, the proceedings that are open to the public shall be the Council Chambers, 606 Mountainview Square, or such other place as specified within the Notice under Section 2.2.5.13(a).

c) the designated municipal officer in attendance at the specified place shall be the Director of Corporate Administration, a person designated by them, or such other person specified by the Mayor.

PART 2 - MUNICIPAL GOVERNMENT
Division 3 - Designation of Member to Act in Place of Mayor

Subdivision 1 - Acting Mayor

2.3.1.

1. Council shall appoint Acting Mayors at the Statutory Meeting following the established Local General Elections or at other times as required by resignations or other circumstances.

2. The Mayor shall recommend the schedule for Acting Mayors ensuring as far as is possible each Councillor receives an appointment of similar term.

3. The Acting Mayor shall assume the Mayor's duties and powers when the Mayor in unavailable. If the Acting Mayor is also unavailable the next available Councillor following the Acting Mayor schedule shall be Acting Mayor.

4. Should the Mayor resign or otherwise be unable to continue in office, Council shall select one of its members to be Acting Mayor until another Mayor is elected.

5. The member designated under this Division has the same powers and duties as the Mayor in relation to the applicable matter.

PART 2 - MUNICIPAL GOVERNMENT
Division 4 - Council Proceedings

Subdivision 1 - Attendance of Public at Meetings

2.4.1. 1. Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.

2. Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.

3. This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:

a. Committee of the Whole (C.O.W.);

b. Committees;

c. parcel tax review panel;

d. Board of Variance.

4. The Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Division 3 may expel or exclude from a Council meeting a person acting improperly in accordance with section 133 of the *Community Charter* and 2.4.16.10., as applicable. If required, a peace officer may enforce the person to be expelled as if it were a court order.

Subdivision 2 - Public Recording of Council Meetings

2.4.2. 1. Members of the public may audio or visually record Council meetings, but if the Mayor determines the recording is disrupting the proceedings the operator of the equipment will be required to stop or move to another location approved by the Mayor.

Subdivision 3 - Minutes of Meetings to be Maintained and Available to Public

2.4.3. 1. Minutes of the proceedings of Council must be:

a. legibly recorded;

b. certified as correct by the Corporate Officer; and

c. signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.

PART 2 - MUNICIPAL GOVERNMENT
Division 4 - Council Proceedings

2. Subject to section 2.4.3.3., and in accordance with section 97(1)(b) of the *Community Charter*, minutes of the proceedings of Council must be open for public inspection at the Municipal Office during its regular office hours.

3. Section 2.4.3.2. does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

Subdivision 4 - Adjourning Meeting Where no Quorum

Amended by Bylaw No. 2047, 2024

2.4.4. 1. If there is no physical quorum of Council present within fifteen (15) minutes of the scheduled start time for a Council meeting, the Corporate Officer must:

a. record the names of the members present and those absent; and

b. adjourn the meeting until the next scheduled meeting.

Subdivision 5 - Agenda

2.4.5. 1. Prior to each Council meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.

2. *Deleted by Bylaw 2038, 2023*

3. The Corporate Officer must make the agenda available to the members of Council and the public at least twenty-four (24) hours in advance of the meeting.

4. Council must not consider any matters not listed on the agenda unless introduction of the additional agenda item is approved by Council at the time of adoption of the agenda by way of a resolution adopted by a majority vote of the Council members present.

5. Notice of any additional agenda item must be received by the Corporate Officer no later than noon on the day of the Council meeting. Whenever practical, the Corporate Officer shall make an electronic agenda available to the members of Council and the public by 4:30 p.m. on the day of the meeting by posting the agenda on the District Website and notice at the Public Notice Posting Places.

6. Council will receive a supplemental information agenda at the time of the adoption of the agenda.

PART 2 - MUNICIPAL GOVERNMENT
Division 4 - Council Proceedings

7. Notice of any supplemental information to a Council agenda must be received by the Corporate Officer no later than noon on the day of the Council meeting. Whenever practical, the Corporate Officer shall make an electronic supplemental information agenda available to the members of Council and the public by 4:30 p.m. on the day of the meeting by posting the agenda on the District Website.

Subdivision 6 - Order of Proceedings and Business

2.4.6. 1. The agenda for all Regular Council Meetings contains the following matters in the order in which they are listed below and all Regular Council Meetings must be conducted in accordance with the provisions in section 2.4.6.2.

2.4.6. 2. The order of business for all Regular Council Meetings shall be as follows:

- Mayor Message
- Delegations/Presentations
- Public Input / Questions on Agenda Items
- Media Inquiries
- Call for New Business/Adoption of the Agenda
- Consent Agenda Items
- Notice of Motion
- Bylaws
- Reports and/or Communications
- New Business
- Council Reports
- Questions and Answers

Subdivision 7 - Delegations / Presentations

2.4.7. 1. Deleted by Bylaw No. 2038, 2023

2. Where notification has not been received by the Corporate Officer in accordance with this Division, an individual or delegation may address the meeting if approved by the majority vote of the members present.

3. Deleted by Bylaw No. 2038, 2023

PART 2 - MUNICIPAL GOVERNMENT
Division 4 - Council Proceedings

4. The Corporate Officer may schedule delegations to another Council or Committee meeting or refer a delegation to an administrative department head as deemed appropriate according to the subject matter of the delegation. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.

5. Deleted by Bylaw No. 2038, 2023

6. Council must not permit a delegation to address a meeting of the Council regarding:

a. a Bylaw or other matter in respect of which a public hearing will be held;

Amended by Bylaw No. 2047, 2024

a.1) a Bylaw or other matter in respect of which a public hearing will be held but Council has resolved not to hold a public meeting;

Amended by Bylaw No. 2047, 2024

a.2) A Bylaw or other matter in respect of which a public hearing cannot be held;

b) a development permit, development variance permit, or temporary use permit application, other than at a public hearing to which such permit application has been referred by Council;

c) matters related to legal action involving the District;

d) matters on which the District has commenced prosecution and on which judgment has not been rendered;

e) matters relating to a claim or potential claim against the District, against a member of Council, or against an officer or employee of the District;

f) business licence hearings conducted in accordance with Section 60 of the *Community Charter*;

g) reconsideration of remedial action requirement hearings under section 78 of the *Community Charter*;

h) a dispute between third parties not falling within the jurisdiction of Council;

i) the promotion of commercial products or services which in the opinion of the Mayor have no connection to the business of the District;

j) publicly tendered contracts or proposal calls for the provisions of goods or services for the District between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded either by Council or District staff.

7. Council will refer requests made by delegations to staff for comment except where the majority of Council present votes to proceed with consideration of the request.

PART 2 - MUNICIPAL GOVERNMENT
Division 4 - Council Proceedings

Subdivision 8 - Call for New Business

2.4.8. 1. Any member of Council may motions that are time sensitive under the Call for New Business portion of the meeting subject to a majority vote of the members present.

Subdivision 9 – Consent Agenda

2.4.9 1. The consent agenda will include routine committee reports, meeting minutes, correspondence to Council, reports to Council provided for information only, records related to a delegation/presentation, and other items that may not require discussion or independent action.

2. The consent agenda will only be included as part of a Regular Council Meeting agenda.

3. Notwithstanding Section 2.4.9.1, a member of Council may request an item from the consent agenda:
   a) be added to the meeting agenda during the call for new business; or
   b) be added to a future meeting agenda in accordance with this Division.

Subdivision 10 – Notices of Motion

2.4.10. 1. Any Council member may give notice respecting an item in accordance with this Division.

2. The notice of motion must be submitted to the Corporate Officer for inclusion on an agenda in accordance with this Division.

3. The Corporate Officer shall place the notice of motion on the agenda of the next Regular Council Meeting or other future council meeting designated by the member bringing forward the notice of motion.

Subdivision 11– Mayor's Message and Council Reports

2.4.11. 1. The Mayor may provide a verbal (five-minute maximum) report of an informational nature. Alternatively, a written report may be submitted for inclusion on the agenda subject to this Division.

2. Council members may provide a verbal (five-minute maximum) report of an informational nature. Alternatively, a written report may be submitted for inclusion on the agenda subject to this Division.

PART 2 - MUNICIPAL GOVERNMENT
Division 4 - Council Proceedings

Subdivision 12 – 'Public Input/Questions on Agenda Items' and 'Questions and Answers' and 'Media Inquiries'

2.4.12. Public Input / Questions on Agenda Items

1. The Mayor may provide time for input from the public. Input from the public must be related to an item on the agenda unless a majority of the Council present vote to allow public input on the item. Public input is limited to two (2) minutes per agenda item per person. The Mayor may determine, at their discretion, when to conclude this portion of a meeting.

Amended by Bylaw No. 2047, 2024

1.1 Notwithstanding 2.4.12.1, Public Input is not permitted on items listed under 2.4.7.6 c-j

Media Inquiries

2. The Mayor may provide time for media inquiries. The Mayor may determine, at their discretion, when to conclude this portion of a meeting. Questions are limited to two (2) minutes per inquiry.

Questions and Answers

3. The Mayor may provide time for questions and answers. The Mayor may determine, at their discretion, when to conclude this portion of a meeting. Questions are limited to two (2) minutes per inquiry.

3.1 In addition to section 2.4.12.3. the Questions and Answers section will be included on an agenda at the direction of the Mayor.

Amended by Bylaw No. 2047, 2024

3.2 Notwithstanding 2.4.12.3, items listed under 2.4.7.6 a, a.1, a.2, c-h, and j are not permitted during Questions and Answers.

Amended by Bylaw No. 2047, 2024

3.3 Notwithstanding 2.4.12.3, items listed under 2.4.7.6.i may be permitted if the majority of Council present vote to allow Questions and Answers on these items.

4. Notwithstanding Sections 2.4.12.1, 2.4.12.2, and 2.4.12.3, no public input or media inquiries will be allowed where a public hearing has been concluded.

Subdivision 13 - Adjournment

2.4.13. 1. The Council shall always adjourn by 10:30 pm if in session at that time, unless the meeting is extended for a maximum of 30 minutes by a 2/3 vote of the members present. A meeting may only be extended beyond 11:00 pm by a unanimous vote of Council members present.

PART 2 - MUNICIPAL GOVERNMENT
Division 4 - Council Proceedings

2. Any item that shall be lost by reason of the loss of quorum or adjournment shall be dealt with at the next Regular Council Meeting, or at another meeting of Council as determined by the Mayor.

Subdivision 14 - Voting at Meetings

2.4.14. 1. When debate on a matter is closed the Mayor must put the matter to a vote of Council members.

2. When the Council is ready to vote, the Mayor must put the matter to a vote by stating:

"Those in favour raise your hands" and then "Those opposed raise your hands".

When a Council member is attending a Council meeting electronically, the presiding member must request the member to vote audibly so that their vote can be recorded in the minutes.

3. The names of those Council members who vote against a question shall be entered upon the minutes whenever the vote is not unanimous.

4. A Council member present at the meeting at the time of the vote who does not raise their hand either in favour or in opposition of the matter is deemed to have voted in the affirmative.

5. If the votes of the Council members present at the meeting at the time of the vote are equal for and against a question, the question is defeated.

6. The Mayor must declare the results of all votes.

Subdivision 15 - Authority of Mayor

2.4.15. 1. The Mayor at a Council meeting must preserve order and decide points of order that may arise, subject to an appeal under section 132 of the *Community Charter*. At the time any ruling is made by the Mayor on a point of order, the Mayor shall inform the Council of the grounds upon which the point of order is decided.

Subdivision 16 - Rules of Conduct and Debate

2.4.16. 1. When any Council member wishes to speak in debate, they shall wait until no other Council member is speaking and address the Mayor or presiding member.

2. Except as otherwise resolved by Council at a Council meeting, a Council member:

a. may speak only to a matter being debated;

b. may speak only twice to a matter, except in order to:

i. explain a material part of the speech which may have been misunderstood; or

ii. ask a question.

c. may speak for no more than ten minutes on moving the original motion, or five minutes on all other occasions. Council may resolve by a simple majority vote to permit a Council member to speak longer;

d. may not speak to a matter already dealt with by the Council;

e. may not speak when called to order by the Mayor;

f. may not speak to a motion unless a motion has been moved and seconded;

g. may only speak in a meeting of Council after the Council member has raised their hand and the Mayor has recognized the Council member.

3. If two or more Council members raise their hands at the same time, the Mayor must designate the order in which each is to speak.

4. If the Mayor wishes to speak in a Regular meeting of Council, the Mayor or presiding member may do so.

5. If a Council member has raised their hand at the same time the Mayor begins to speak, the Mayor may speak first.

6. A Council member shall address the Mayor as "Your Worship", "Mayor surname ", or “Ms/Mr./Madam/Mx Mayor”. Mayor and Council members shall address a Council member by that Council member's surname preceded with "Councillor".

7. A Council member may address municipal staff through the Mayor to the Chief Administrative Officer who shall refer the matter to the appropriate staff representative if necessary.

8. Council members shall not:

a. interrupt another Council member who is speaking except to raise a point of order or a question of privilege;

b. make any noise or disturbance during the meeting.

9. Council members speaking at a Council meeting:

   a. must use respectful language;

   b. must not use offensive gestures or signs;

   c. must adhere to the rules of procedure established under this bylaw and to the decisions of the Mayor or presiding member and Council in connection with the rules and points of order.

10. If a member does not adhere to section 2.4.16.9. the Mayor may order the member to leave the member's seat, and

    a. if the member refuses to leave, the Mayor may cause the member to be removed by a peace officer, and

    b. if the member apologizes to Council, Council may, by resolution, allow the member to retake the member's seat.

Subdivision 17 - Motions Generally

2.4.17. 1. Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.

2. After a motion has been made it shall be deemed to be in possession of the Council, but the motion may be withdrawn at any time before a decision or amendment is made by the mover of the motion provided that the mover has the consent of the seconder.

3. A motion that has been moved and seconded at a Council meeting, other than a withdrawn motion as provided for in section 2.4.17.2, must be recorded by the Corporate Officer in the minutes and be given a distinguishing number.

4. The name of the Council members moving and seconding the motion will not be recorded in the minutes.

5. A Council member may make only the following motions, when the Council is considering a question:

   a. to lay on the table;

   b. to move the previous question.

   c. to postpone to a certain time;

   d. to refer;

e. to amend;

f. to postpone indefinitely.

6. A motion made under section 2.4.17.5.a., b. or f. is not amendable.

7. A motion made under section 2.4.17.5.a. to b. is not debatable. Refer to section 2.4.20. regarding section 2.4.17.5.a.

8. Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member by calling for Division of the Question.

9. The motions listed in 2.4.17.5 are listed in order of precedence.

Subdivision 18 - Consider a Matter Informally

2.4.18. 1. Council may wish to generally discuss a matter without a motion on the floor. This relaxation of rules is intended for situations when Council may be exploring a subject and has not yet determined if a motion will be considered.

Subdivision 19 - Motion to Refer

2.4.19. 1. Further to section 2.4.17.5.d., until it is decided, a motion made at a Council meeting to refer precludes an amendment of the main question.

Subdivision 20 - Motion to Table

2.4.20. 1. Further to section 2.4.17.5.a. discussion on a motion to table shall be confined to the advisability of tabling.

Subdivision 21 - Motion for the Previous Question

2.4.21. 1. Further to section 2.4.17.5.b., if a motion for the previous question is decided in the affirmative by a 2/3 vote of the members present, the original question shall be put immediately without any amendment or debate. If the motion for the previous question is resolved in the negative, then the main question shall be again debatable.

PART 2 - MUNICIPAL GOVERNMENT
Division 4 - Council Proceedings

Subdivision 22 - Motion to Reconsider by Council Member

2.4.22 1. A motion which was adopted or defeated may be reconsidered by Council at the same or next Council meeting provided that the motion is not at the assent of the electors and has not been acted on by an officer, servant, or agent of the municipality.

2. A reconsideration motion:

a) must be brought forward by a member who voted on the prevailing side of the motion or a member that had been absent from the meeting where the motion was originally made;

b) may be seconded by any member;

c) must be brought forward at the same or next Regular meeting of Council after the original vote;

d) must receive a majority vote of Council for it to be adopted; and

e) if defeated, and the outcome being that the motion is preserved unchanged, a reconsideration cannot be made on the motion again.

3. Each motion or reading of a bylaw may be considered under the provisions of section 2.4.22.2.

4. Notwithstanding Section 2.4.22.3, once a bylaw is adopted the adoption resolution shall not be reconsidered except under the provisions of Section 131 of the *Community Charter* (Mayor may require Council reconsideration of a matter).

5. If reconsideration passes, the motion reconsidered is immediately before Council to debate.

6. No part of this subdivision limits the power of section131 of the *Community Charter*.

Subdivision 23 - Amendments Generally

2.4.23 1. A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.

2. An amendment may propose removing, substituting for, or adding to the words of an original motion.

3. A proposed amendment must be reproduced in writing by the mover if requested by the Mayor.

4. A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question by making a motion to Move the Previous Question (2.4.17.5.b).

5. An amendment may be amended once only.

6. An amendment that has been negated by a vote of Council cannot be proposed again.

7. A Council member may propose an amendment to an adopted amendment.

8. The Mayor must put the main question and its amendments in the following order for the vote of Council:

   a. a motion to amend a motion amending the main question;

   b. a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph a. is positive;

   c. the main question.

Subdivision 24 - Privilege

2.4.24. 1. In this section, a matter of privilege refers to any of the following motions:

   a. fix the time to adjourn;

   b. adjourn;

   c. recess;

   d. raise a question of privilege of the Council;

   e. raise a question of privilege of a member of Council.

2. A matter of privilege must be immediately considered when it arises at a Council meeting.

3. For the purposes of section 2.4.24.2. the matters of privilege in section 2.4.24.1. are listed in order of precedence.

4. A motion to adjourn the Council meeting shall always be in order, but if such a motion is decided in the negative no second motion to the same effect shall be made until after the question has been decided.

5. A motion made under 2.4.24 a. to c. are not amendable or debatable.

PART 2 - MUNICIPAL GOVERNMENT
Division 5 - Bylaws

Subdivision 1 - Copies of Proposed Bylaws to Council Members

2.5.1. 1. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

Subdivision 2 - Form of Bylaws

2.5.2. 1. A bylaw introduced at a Council meeting must:

a. be printed;

b. have a distinguishing name;

c. have a distinguishing number.

Subdivision 3 - Bylaws to be Considered Separately or Jointly

2.5.3. 1. Council must consider a proposed bylaw at a Council meeting either:

a. separately when directed by the Mayor or requested by another Council member; or

b. jointly with other proposed bylaws in the sequence determined by the Mayor.

Subdivision 4 - Reading and Adopting Bylaws

2.5.4. 1. The Mayor of a Council meeting may:

a. have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws; and then

b. request a motion that the proposed bylaw or group of bylaws be read.

PART 2 - MUNICIPAL GOVERNMENT
Division 5 - Bylaws

Subdivision 5 - Bylaws Must be Signed

2.5.5. 1. After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the District's records for safekeeping and endorse upon it:

a. the District's corporate seal;

b. the dates of its readings and adoption;

c. and the date of Ministerial approval or approval of the electorate if applicable.

PART 2 - MUNICIPAL GOVERNMENT
Division 6 - Resolutions

Subdivision 1 - Procedures on Resolutions

2.6.1. 1. All resolutions will be introduced by a Council member addressing the Mayor.

2. All resolutions and all readings of bylaws shall be moved by a Council member and seconded by another Council member.

PART 2 - MUNICIPAL GOVERNMENT
Division 7 - Committee of the Whole

Subdivision 1 - Going into Committee of the Whole (C.O.W.)

2.7.1. 1. C.O.W. meetings are scheduled Mondays commencing at 7:00 pm as required.

Subdivision 2 - Notice for C.O.W. Meetings

2.7.2. 1. At least 24 hours before a C.O.W. meeting, the Corporate Officer will give public notice of the meeting by:

a. posting a copy of the notice of the agenda covering page at the Public notice Posting Places; and

b. leaving one copy for each member of Council at the place they have directed material to be sent.

Subdivision 3 - Minutes of C.O.W. Meetings to be Maintained and Available to Public

2.7.3. 1. Minutes of the proceedings of C.O.W. must be:

a. legibly recorded;

b. certified by the Corporate Officer;

c. signed by the member presiding at the meeting; and

d. open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Subdivision 4 - Presiding Member at C.O.W. Meetings and Quorum

2.7.4. 1. The Mayor shall preside at the C.O.W.

2. The quorum of C.O.W. is the majority of Council Members.

Subdivision 5 - Conduct and Debate

2.7.5. 1. The following rules apply to C.O.W. meetings:

a. a member may speak any number of times on the same question;

b. a member must not speak longer than five minutes on any occasion.

Subdivision 6 - Committee Recommendations

2.7.6. 1. C.O.W. minutes will be referred to the next Regular meeting for adoption and ratification.

PART 2 - MUNICIPAL GOVERNMENT
Division 8 - Committees, Commissions & Other Bodies

Subdivision 1 - Minutes of Meetings of Committees, Commissions and Other Bodies to be Maintained and Available to Public

2.8.1. 1. Minutes of the proceedings of a Committee, Commission or other body must be:

a. legibly recorded;

b. signed by the chair or member presiding at the meeting;

c. open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

2. Section 2.8.1.1.c. does not apply to minutes of a meeting of a Committee, Commission or other body or that part of the meeting from which persons were excluded under section 90 of the *Community Charter*.

Subdivision 2 - Conduct and Debate

2.8.2. 1. The rules of the Council procedure must be observed during meeting of Committees, Commissions or other bodies, so far as is possible and unless otherwise provided in this Bylaw.

Subdivision 3 - Voting at Meetings

2.8.3. 1. Council members attending a meeting of a Committee, Commission or other body of which they are not a member must not vote on a question.

PART 2 - MUNICIPAL GOVERNMENT
Division 9 - Regional District Directors

Subdivision 1 - Selection of Regional District Director(s)

2.9.1.

Amended by Bylaw No. 2038, 2023

1. Council shall select Kitimat's Regional District Director(s) and Alternate Director(s) at the first Regular Council Meeting in November for a term of two (2) years.

2. Council may select Kitimat's Regional District Director(s) and/or Alternate Director(s) at any other time by passing a motion to conduct a ballot to select Director(s) and/or Alternate Director(s).

Subdivision 2 - Selection by Secret Ballot

2.9.2. 1. Council shall select Kitimat's Regional District Director(s) and Alternate Director(s) by secret ballot.

Subdivision 3 - Separate Ballots for Director and Alternate Director

2.9.3. 1. A ballot shall be conducted for the Director positions and second ballot for the Alternate Director positions.

Subdivision 4 - Must Vote for the Number Required

2.9.4. 1. Valid ballots must contain votes for candidates equal to the number of positions of Director or Alternate Director to be filled.

PART 2 - MUNICIPAL GOVERNMENT
Division 10 - Chief Administrative Officer

Subdivision 1 - Appointment

2.10.1. 1. The appointment of the Chief Administrative Officer shall be by resolution passed by an affirmative vote of a majority of all the members of the Council.

Subdivision 2 - Responsibility

2.10.2. 1. The Chief Administrative Officer shall be responsible only to Council as a whole.

2. All officers and employees of the municipality shall, save as provided in the Community Charter or Kitimat Municipal Code, be responsible solely to the Chief Administrative Officer.

Subdivision 3 - Powers and Duties

2.10.3. 1. The Chief Administrative Officer shall have the following powers which are hereby delegated to him and shall discharge the following duties:

a. to co-ordinate and administer the various functions of the municipality exercisable by Council in accordance with the policies formulated by Council and to exercise supervision and control over the departments and offices of the municipality;

b. to appoint, discipline or suspend officers and appoint, discipline or remove employees of the municipality provided that they may authorize the head of a department or office to appoint, discipline or remove subordinates of such department or office;

c. to define and allocate the powers and duties of the officers of the municipality, in addition to the powers and duties imposed on such officers by statute or by Council;

d. to establish, consolidate or combine departments and administrative offices;

e. to ensure that all terms and conditions imposed in favour of the municipality in any contract or franchise are faithfully kept and performed;

Subdivision 3 - Powers and Duties (Continued)

2.10.3. 1. f. to cause the Code and other bylaws and laws relating to the municipality to be enforced;

g. to prepare the annual budget, submit it to Council and be responsible for its administration after adoption;

h. to keep the Council advised of the financial condition and future needs of the municipality;

i. to make recommendations to Council;

j. to prepare and submit to Council any reports required by it;

k. to attend all Regular meetings of Council and take part in its discussion;

l. to perform such other duties as may be required by him by bylaw or resolution of Council.

Subdivision 4 - Delegation by Mayor

2.10.4. 1. The Mayor may delegate to the Chief Administrative Officer any one or more of those powers vested in the Mayor by the Community Charter or Municipal Code.

PART 2 - MUNICIPAL GOVERNMENT
Division 11 - Mayor and Councillors

Subdivision 1 - Remuneration

2.11.1. 1. The Mayor shall receive remuneration of Fifty-Two Thousand, tow hundred and thirty-five ($52,235).

Amended by Bylaw No. 2072, 2025

2. The Councillor serving as Acting Mayor during any absence from duty of the Mayor in excess of SIXTY (60) days, shall receive remuneration at the rate of FIVE Dollars ($5.00) per day over and above the remuneration provided in 2.11.1.3. herein, during such absence.

3. Each Councillor shall receive remuneration of Twenty-eight Thousand, nine hundred and eighty-four ($28,984).

4. The said remuneration shall be paid in equal monthly payments over a twelve month period.

Subdivision 2 - Expenses

2.11.2. 1. As determined by Expense Policy

PART 2 - MUNICIPAL GOVERNMENT
Division 12 - Freedom of Information and Protection of Privacy Act

Subdivision 1- Definitions and Interpretation

2.12.1. 1. The definitions contained in Schedule 1 of the Act shall apply to this bylaw except where the context requires otherwise.

2. In this bylaw:

"Act" means the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, as amended.

"Commercial Applicant" means a person who makes a request for access to a record to obtain information for use in connection with a trade, business profession or other venture for profit;

"Coordinator" means the person designated in section 3(2) of this Bylaw as the Information and Privacy Coordinator;

"Council" means the Council of the District of Kitimat;

"Head" means the person designated under section 3(1) of this Bylaw as the Head;

"Municipality" means the District of Kitimat; and

"Request" means a request under section 5 of the Act.

Subdivision 2 - Administration

2.12.2. 1. The Chief Administrative Officer or, if absent or unavailable, the Acting Chief Administrative Officer, is designated as the Head for the purposes of the Act.

2. The Director of Corporate Administration or, if absent or unavailable, the Deputy Director of Corporate Administration, is designated as the Information and Privacy Coordinator.

3. For the purposes of the Act, the Head and the Coordinator shall act in their respective capacities for all of Council, Commissions and Committees of the District of Kitimat.

Subdivision 3 - Powers of Coordinator

2.12.3. 1. The Head may delegate any of the Head's duties under the Act to the Coordinator.

Subdivision 4 - Fees

2.12.4. 1. An applicant making a request shall pay to the District the fees set out below, for the purposes of:

a. locating, retrieving and producing a record;

b. preparing a record for disclosure

c. shipping and handling of a record; and

d. providing a copy of a record.

FEES - APPLICANTS OTHER THAN COMMERCIAL APPLICANTS:

| Description of Services | Management Fees |
|---|---|
| | |
| (a) for locating and retrieving a record | $7.50 per 1/4 hour after the first 3 hours |
| (b) for producing a record manually | $7.50 per 1/4 hour |
| (c) for producing a record from a machine readable record from a server or computer | $7.50 per 1/4 hour for developing a computer program to produce the record |
| (d) for preparing a record for disclosure and handling a record | $7.50 per 1/4 hour |
| (e) for shipping copies | actual costs of shipping method chosen by applicant |
| (f) for copying records | |
| (i) floppy disks | $2 per disk |
| (ii) CDs and DVDs, recordable or rewritable | $4 per disk |
| (iii) computer tapes | $40 per tape, up to 2 400 feet |
| (iv) microfiche | $3 per fiche |
| (v) microfilm duplication | $25 per roll for 16 mm microfilm, $40 per roll for 35 mm microfilm |
| (vi) microfiche or microfilm to paper duplication | $0.50 per page (8.5" x 11") |
| (vii) photographs, colour or black and white | $5 to produce a negative |
| | $12 each for 16" x 20" photograph |
| | $9 each for 11" x 14" photograph |
| | $4 each for 8" x 10" photograph |

| | | |
|---|---|---|
| | | $3 each for 5" x 7" photograph |
| | (viii) photographic print of textual, graphic or cartographic record, black and white | $12.50 each (8" x 10") |
| | (ix) dot matrix, ink jet, laser print or photocopy, black and white | $0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17") |
| | (x) dot matrix, ink jet, laser print or photocopy, colour | $1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17") |
| | (xi) scanned electronic copy of a paper record | $0.10 per page |
| | (xii) photomechanical reproduction of 105 mm cartographic record/plan | $3 each |
| | (xiii) slide duplication | $0.95 each |
| | (xiv) audio cassette tape (90 minutes or fewer) duplication | $5 per cassette plus $7 per 1/4 hour of recording |
| | (xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication | $5 per cassette plus $7 per 1/4 hour of recording |

FEES - COMMERCIAL APPLICANTS

For each service listed above, the cost will be the actual cost of providing that service.

PART 2 - MUNICIPAL GOVERNMENT
Division 13 - Officer Positions

Subdivision 1 - Chief Administrative Officer

2.13.1. 1. The position of Chief Administrative Officer is established as an Officer of the District of Kitimat.

2. The Chief Administrative Officer is assigned the chief administrative responsibility for the District of Kitimat as outlined in S.147 of the Community Charter.

Subdivision 2 - Director of Corporate Administration

2.13.2. 1. The position of Director of Corporate Administration is established as an Officer of the District of Kitimat.

2. The Director of Corporate is assigned the responsibility of corporate administration for the District of Kitimat as outlined in S.148 of the Community Charter.

3. In cases where there is no designated Deputy Director of Corporate Administration, the position of Director of Finance and the position of Chief Administrative Officer will be established as designated Deputies to the Director of Corporate Administration for purposes for fulfilling the responsibilities of S.148 of the Community Charter.

Subdivision 3 - Director of Finance

2.13.3. 1. The position of Director of Finance is established as an Officer of the District of Kitimat.

2. The Director of Finance is assigned the responsibility of financial administration as outlined in S.149 of the Community Charter.

3. The Director of Finance is assigned the role of Collector for the purposes of the Local Government Act and the Community Charter.

4. In cases where there is no designated Deputy Director of Finance, the position of Chief Administrative Officer will be established as a designated Deputy to the Director of Finance for purposes for fulfilling the responsibilities of S.149 of the Community Charter.

Subdivision 4 – Financial Disclosure Act

2.13.4. 1. The above positions are considered ‘employees’ for the purposes of the *Financial Disclosure Act.*

PART 2 - MUNICIPAL GOVERNMENT
Division 14 - Council Members, Officers and Employees Indemnification

Subdivision 1- Definitions and Interpretation

2.14.1. 1. "indemnify" means to pay the amounts required or incurred

(a) to defend an action or prosecution brought against a person in connection with the exercise or intended exercise of the person's powers or the performance or intended performance of the person's duties or functions;

(b) to satisfy a judgment, award or penalty imposed in an action or prosecution referred to in paragraph (a); or

(c) in relation to an inquiry under the Public Inquiry Act, or to another proceeding, that involves the administration of the District or the conduct of District business,

but does not extend to a fine that is imposed as a result of a conviction for an offence, other than a strict or absolute liability offence;

2. "municipal official" means

(a) a current or former member of Council;

(b) a current or former employee or officer of the District; or

(c) a person who is or was a person referred to in section 738 (1) of the Local Government Act, but only in relation to the exercise of powers or performance of duties or functions for or on behalf of the District,

but does not include an independent service provider, professional advisor or contractor engaged by the District from time to time on a fee for service basis; and

3. "willful misconduct" in relation to a municipal official, includes, without limitation, willfully acting contrary to the terms and conditions of his or her employment or to a lawful direction or order of a superior.

Subdivision 2 - Indemnity

2.14.2. 1. The District will indemnify every municipal official against an action or prosecution brought against the municipal official, including, for certainty, reasonable legal costs incurred in relation to the proceeding, if the person to be indemnified:

(a) promptly, after being served with a document initiating an action or prosecution, delivers a copy of same to the District's corporate officer;

(b) does not admit or assume liability, enter into a settlement, or enter a guilty plea except with the approval of Council;

(c) consents in writing to the District having sole discretion to appoint and instruct legal counsel, conduct all necessary investigations, to negotiate and settle the action or prosecution, provided that if the person believes they have an interest that is in conflict with the interest of the District the person is entitled to independent legal counsel; and

(d) assists in providing and securing information, evidence, and witnesses, and cooperates with the District and their legal counsel in the defence of the action or prosecution

2. The Council will not seek indemnity against a municipal official in respect of any action of the municipal official which results in a claim for damages against the District, except where a court of competent jurisdiction makes a finding that the person has been guilty of dishonesty, gross negligence, or malicious or willful misconduct.

PART 2 - MUNICIPAL GOVERNMENT
Division 15 - Records Management

Subdivision 1- Interpretation

2.15.1. 1. "Designated Officer" means the person designated and authorized to act on behalf of the organization to manage and maintain the records management system. The Designated Officer for the District of Kitimat is the Corporate Officer, as appointed per the Community Charter.

"Record" means books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

"Records Management System" means a system used by the District of Kitimat to manage the records of the District of Kitimat from record creation through to records disposal.

Subdivision 2 - Records Management System Established

2.15.2. 1. The Records Management System currently used by the District of Kitimat is authorized.

Subdivision 3 - Records Retention Schedule

2.15 3. 1. The Records Retention Schedule must prescribe the period of time that records are kept to meet the operational, legal, regulatory, financial or other requirements of the District of Kitimat (the "Records Retention Schedule"). The Records Retention Schedule must also provide instructions as to the manner and time of the disposition of a record.

2. The Records Retention Schedule shall be the retention schedule in the "LGMA Records Management Manual - Records Retention Schedule".

Subdivision 4 - Designated Officer

2.15.4 1. The Designated Officer is designated and authorized to prepare, review, amend and manage the Records Retention Schedule.

PART 2 - MUNICIPAL GOVERNMENT
Division 15 - Records Management

Subdivision 5 - Disposal Ordered by Designated Officer

2.15.5. 1. When the Designated Officer determines that the retention period for a given record described in the Records Retention Schedule has ended, the Designated Officer may order the record to be destroyed or otherwise disposed of in accordance with the instructions in the Records Retention Schedule.

PART 2 - MUNICIPAL GOVERNMENT
Division 16 - Public Notice

Subdivision 1- Definitions

2.16.1 "Facebook Page" means the District's computer and internet based technology information resource on the Facebook social media platform.

"Public Notice" means a notice that is required to be given or published in accordance with section 94 of the *Community Charter*.

"Subscription Service" means a free service that allows persons to subscribe to receive electronic notifications.

Subdivision 2 – Publishing of Public Notice

2.16.2 1. Where the District is required to publish Public Notice, the District will publish the Public Notice by posting at the Public Notice Posing Places and by the following two (2) additional means:

i. Posting the Public Notice on the District of Kitimat Facebook page;
ii. Posting the Public Notice on the District of Kitimat Subscription Service Get Involved Kitimat page.

Subdivision 3 – Additional Notices

2.16.3 1. Where Public Notice is required to be published in accordance with section 2.16.2.1, the Corporate Officer may provide any additional notice respecting the matter the Corporate Officer considers appropriate, having considered:

a. Whether the matter will affect the community at large;
b. Whether significant public input respecting the matter is anticipated;
c. Whether any other circumstances suggest that additional notice should be provided.

2. An additional notice provided pursuant to section 2.16.3.1:

a. May be published in a newspaper that is distributed in the area affected by the subject matter of the notice;
b. May contain any information respecting the matter that the Corporate Officer considers appropriate;
c. Need not contain all information about the matter that is required to be included in a Public Notice.

PART 3 - TRAFFIC AND VEHICLES
Division 1 - Traffic

Subdivision 1 - Interpretation

3.1.1. 1. In this Division:

"Axles" means a structure or structures in the same, or approximately the same, transverse plane supported by wheels and on or with which such wheels revolve;

"Combination of Vehicles" means a combination of motor vehicle and trailer or motor vehicle and semi-trailer;

"Crosswalk" means that portion of a roadway ordinarily included within the prolongation of curb and property line, at street intersections up to a maximum of twenty feet in width measured at right angles from the prolongation of the curb line, or any other portion of roadway clearly indicated for a pedestrian crossing by lines or other markings;

"Curb Line" means the boundary line between the roadway and the sidewalk or boulevard within a street;

"Driver" means any person who drives, operates, propels, or who is in physical control of a vehicle;

"Emergency Vehicle" means an emergency vehicle as defined in the Motor Vehicle Act;

"Extraordinary Traffic" includes any carriage of goods or persons over a highway, at either one or more times, and whether in vehicles drawn by animal power or propelled by some other means, that taken in conjunction with the nature or existing condition of the highway is so extraordinary or improper in quality or quantity of the goods or the number of persons carried, or in the mode or time of use of the highway, or in the speed at which the vehicles are driven or operated, as, in the opinion of the Municipal Engineer substantially to alter or increase the burden imposed on the highway through its proper use by ordinary traffic, and to cause damage and expense in respect of the highway beyond what is reasonable or ordinary;

PART 3 - TRAFFIC AND VEHICLES
Division 1 - Traffic

Subdivision 1 - Interpretation (Continued)

3.1.1. 1. "Gross Weight" means, in respect of a vehicle or combination of vehicles, the sum of the weight of the load or part of the load carried on a group of axles, axle, or wheel and the weight or part of the weight of the vehicle or combination of vehicles carried on the same group of axles, axle or wheel;

"Group of Axles" means any two or more successive axles on a vehicle;

"Intersection" means the area situated within the respective property-lines produced across the streets, at the point where two or more streets intersect;

"Lane" means any public thoroughfare within the District primarily used as a means of access to the rear or side of commercial or industrial premises and having a width of not less than 6 metres;

"Logging Truck" means a vehicle or combination of vehicles used primarily for the transportation of logs;

"Metal Tire" means a tire or the part of the outer circumference of a wheel which comes in contact with the surface of the highway and which is made of metal or other non-resilient material;

"Motor Vehicle" includes automobiles, locomobiles, motorcycles and all other vehicles propelled other than by muscular power, excepting trailers, mechanically propelled chairs for disabled persons and the cars of electric or steam railways and other motor vehicles running only upon rails or track;

"Parade" means a procession or group of pedestrians, except members of Her Majesty's armed forces, numbering more than 30, standing, marching or walking together upon any street or sidewalk, or any group of vehicles numbering ten or more, except funeral processions, standing or moving together on any street;

"Parking" means the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;

"Passenger Vehicle" means a vehicle, the principle use of which is the transportation of human beings;

PART 3 - TRAFFIC AND VEHICLES
Division 1 - Traffic

Subdivision 1 - Interpretation (Continued)

3.1.1. 1. "Peace Officer" means any member of the Royal Canadian Mounted Police or any person designated by the Council for the purpose of preserving and enforcing the provisions of this Division;

"Pedestrian" means a person afoot, or a disabled person or child in a wheelchair or carriage;

"Planting Strip" means that portion of any street between two curb lines or between the curb line and the adjacent property line and not intended for pedestrian or vehicular traffic;

"Private Road" or "Driveway" means every road or driveway the title to or possession of which is not vested in the Crown or the municipality;

"Roadway" means that portion of any street designed or ordinarily used for vehicular traffic;

"Rubber Tire" means a tire made of rubber or other resilient material;

"Semi-Trailer" means any vehicle, other than a trailer, which is attached to a motor vehicle for the purpose of being drawn or propelled thereby;

"Sidewalk" means that portion of any street between the curb line and the adjacent property line intended for the use of pedestrians;

"Solid Rubber Tire" means a rubber tire which does not depend upon inflation with compressed air for support of the load thereon;

"Stop", when required, means complete cessation of movement;

"Street or Highway" means a public street, road, square, parking lot, way, trail, lane, bridge, trestle, ferry landing and approach, and any other public way and every road, lane or right of way designed or intended for, or used by the general public for the passage of traffic within the municipality;

"Through Highway" means any street or highway or portion thereof at the entrance to which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same when stop signs are erected as provided in this Division;

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PART 3 - TRAFFIC AND VEHICLES
Division 1 - Traffic

Subdivision 1 - Interpretation (Continued)

3.1.1. 1. "Traffic" includes pedestrians, ridden or herded animals, vehicles, bicycles, and other conveyances, either singly or together, while using a highway for purposes of travel;

"Traffic-Control Signal" means any device using coloured lights or words, or combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed, and which is erected under the provisions of this Division;

"Traffic Sign" means any warning sign, marking or device, other than traffic control signals, placed or erected under the provisions of this Division, for the purpose of directing, warning or regulating traffic or parking;

"Trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle except:

a. an implement of husbandry;

b. a side-car attached to a motorcycle;

c. a disabled motor vehicle that is towed by a tow-car;

"Vehicle" includes a motor vehicle, a motor vehicle together with its semi-trailer or trailer attachments, a trailer, and any vehicle propelled by muscular power;

"Width of Tire" means, with respect to rubber tires, the width of tire as customarily measured and rated by manufacturers of motor vehicles and tires, and, with respect to metal tires, the transverse width of the outer circumference of the metal tire.

PART 3 - TRAFFIC AND VEHICLES
Division 2 - Traffic Control

Subdivision 1 - Traffic Committee

3.2.1. 1. There shall be established a Traffic Committee consisting of the Director of Planning, Municipal Engineer, the Chief of Police, one member of Council, and TWO (2) lay persons for TWO (2) year terms, with a maximum serving time of not more than TWO (2) consecutive terms. The Chairman of the Committee shall be designated by the Chief Administrative Officer.

Subdivision 2 - Objectives

3.2.2. 1. The objective of the Committee shall be to assist the Chief Administrative Officer to co-ordinate all traffic activities of the municipality and in making recommendations on traffic matters to Council and in promoting full co-operation of all officers and departments concerned with urban transportation.

Subdivision 3 - Duties

3.2.3. 1. The Committee shall make recommendations to the Council through the Chief Administrative Officer as to ways and means of improving street, traffic and other transportation problems including the enforcement of traffic regulations.

This shall include the:

a. co-ordination of traffic activities within the District;

b. analyzing traffic accidents, investigating traffic conditions, planning for the control of traffic and recommending remedial measures for traffic problems within the District;

c. making recommendations as to the character, type and location of traffic control devices;

d. carrying out such related duties as the Chief Administrative Officer may require.

Subdivision 4 - Designation of Streets

3.2.4. 1. Without derogating from the powers of the Traffic Committee under Section 3.3.2., the Council may designate by resolution any streets or part of streets:

a. as through streets at which vehicles must stop before entering hereon, and the Chief Administrative Officer shall cause to be placed in any street which intersects a through street so designated at or near its intersection with the through street, a stop sign or signal;

b. on or along which buses for the conveyance of passengers may be driven.

Subdivision 5 - Emergency Signs

3.2.5. 1. The "Authority Having Jurisdiction" is hereby authorized to cause to be placed for such temporary period as he considers necessary, traffic signs, indicating that the operations, parking or standing or vehicles is prohibited:

a. on any street in the vicinity of any public or private assemblages, gatherings or functions;

b. upon any street or section of street, along the route of any parade;

c. at any other locations, where, under special circumstances it is deemed necessary to facilitate or safeguard traffic.

Subdivision 6 - Traffic Control Devices

3.2.6. 1. The Municipal Engineer shall place or erect, or cause to be placed or erected applicable traffic control devices to provide safe, convenient and efficient traffic movement. In order to give effect to the provisions of this bylaw and the Motor Vehicle Act such traffic control devices shall include:

a. STOP signs on highways at their intersection with highways carrying through traffic;

b. YIELD signs (i) at intersections where it is found that the normal right of way rule does not provide safe, convenient and efficient traffic movement, (ii) at locations where merging traffic is provided for and where the vehicles entering the main flow are required to yield the right of way;

c. TURN PROHIBITION signs such as NO RIGHT TURN, TURN RIGHT, NO U TURN, NO TURNS, at intersections and in advance of intersections where it is required to prohibit certain movements;

d. DO NOT ENTER signs at the end of one way roadways to prevent traffic entering the restricted area;

e. ONE WAY signs on highways upon which the traffic is required to travel in one direction only;

f. TWO WAY TRAFFIC signs at the transition from one way to two way roadways to indicate that normal travel is restricted to the right hand side of the roadway;

g. DO NOT PASS signs at the beginning of a zone through which restricted sight distance makes overtaking and passing hazardous;

h. PASS WITH CARE signs at the end of no passing zones where DO NOT PASS signs have been erected;

i. KEEP RIGHT signs within and at the end of median strips and traffic islands;

j. LOADING ZONES signs at locations where due to adjacent commercial facilities it is desirable to reserve space for loading and unloading vehicles;

k. MAXIMUM WEIGHT signs at locations where due to seasonal weakening of road surfaces, obsolescence of bridges or pavements, or roadway repairs, loads in excess of those prescribed on the signs constitute a hazard to traffic or excessive damage to the roads;

l. MAXIMUM SPEED signs at locations where due to limitations of sight distances, road surfaces, traffic flows and frequency of intersections, speeds in excess of those prescribed on the signs constitute a hazard to traffic or excessive damage to the roads.

m. PARKING signs at locations where, in order to maintain the free flow of traffic, it is required to restrict or prohibit parking. Such signs to signify:
(1) restriction or prohibition;
(2) hours applicable if not at all times;
(3) days of week applicable if not every day;
(4) place applicable;

n. PASSENGER ZONES signs at locations where a bus or other transit vehicle stops to pick up passengers and it is desirable to restrict stopping, standing and parking to such vehicles;

o. NO STOPPING signs at locations where flagrant violations of the Motor Vehicle Act in this regard are prevalent;

p. SCHOOL signs at locations where it is required to give advance information such as the presence of a school adjacent to a roadway, a school crosswalk, a school maximum speed zone;

q. PLAYGROUND signs at locations where it is required to give advance information of a playground adjacent to a roadway;

r. PEDESTRIAN signs at locations where heavy pedestrian traffic crosses a roadway and at locations other than intersections, such as at schools, playgrounds and public buildings where it is required to control pedestrian traffic;

s. WARNING signs such as TURN signs, CURVE signs, REVERSE CURVE signs, CONCEALED ROAD signs, CHECKERBOARD signs, RAILWAY warning signs, at locations where it is required to warn traffic of hazardous conditions, either on or adjacent to the roadway;

t. TAXI-STAND signs at locations where due to frequent use by the public it is desirable to reserve a place for taxi-cabs only to stop, stand or park to pick up fares.

2. The Municipal Engineer in the exercise of his power granted in 3.2.6.1. above, shall issue a written order directing that such matter be done. Such order shall be dated, set out the order and be signed by the Municipal Engineer.

3. The Municipal Engineer may rescind, revoke, amend or vary any order made by him provided such order does not require the doing of any act contrary to or inconsistent with this bylaw or the Motor Vehicle Act.

4. The Municipal Engineer shall forward a copy of every such written order issued, rescinded, revoked, amended or varied to the Chief of Police.

PART 3 - TRAFFIC AND VEHICLES
Division 3 - Signals, Signs and Markings

Subdivision 1 - Traffic Control Signal Legend

3.3.1. 1. Whenever traffic is controlled by traffic control signals exhibiting the words "GO", "CAUTION", or "STOP" or exhibiting different coloured lights successively, one at a time or with arrows, the following colours only shall be used and the said words and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

Green alone or "GO"

a. vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn PROVIDED that vehicular traffic including vehicles so turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

b. pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;

Yellow alone or "CAUTION" where shown
following the green or "GO" signal

a. vehicular traffic facing the signal is warned that the red or "STOP" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "STOP" signal is exhibited;

b. no pedestrian facing such signal shall enter the roadway until the green or "GO" signal is shown alone;

Red alone or "STOP"

a. vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "GO" is shown alone. A vehicle may, after coming to a stop, make a turn to the right but such vehicle shall yield the right of way to other vehicles and to pedestrians within the intersection;

b. no pedestrian facing such signal shall enter the roadway until the green or "GO" signal is shown alone.

PART 3 - TRAFFIC AND VEHICLES
Division 3 - Signals, Signs and Markings

Subdivision 2 - Traffic Lines

3.3.2. 1. Whenever traffic is controlled by traffic lines, the lines may or may not be in the middle of the travelled portion of the street, and the lines shall apply to drivers as follows:

a. Solid Double Lines

on any street marked with a distinguishing solid double line all vehicles proceeding on such streets shall keep to the right of the double line so marked;

b. Solid Single Line and Broken Single Line

on any street marked with broken line and solid single line on their side of broken single line all vehicles proceeding on that street shall be kept to the right of such marking and under no circumstances shall pass an overtaken vehicle when solid single line is in their traffic lane;

c. Single Line

on any street marked with broken or solid single line only, all vehicles proceeding on that street shall be kept to the right of the line except when passing an overtaken vehicle.

Subdivision 3 - Closed Streets

3.3.3. 1. When, for any reason, any street, or any portion of any street, is unsafe or unsuitable for any traffic, or it is deemed advisable that traffic should be restricted or diverted from the street the authority having jurisdiction shall place or cause to be placed or maintained signs, barriers or other warning devices to indicate such closing.

2. Until such signs, barriers, or other warning devices shall have been removed by the authority having jurisdiction, no person shall remove, interfere with, or pass beyond such signs, barriers, or warning devices or enter the closed street unless the sign "Local Traffic Only" has been placed at the barrier or other warning device by the authority having jurisdiction.

3. No person shall excavate in, break, tear up, or remove any highway or surface of any highway for any purpose whatsoever without first obtaining the written permission of the Municipal Engineer.

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PART 3 - TRAFFIC AND VEHICLES
Division 3 - Signals, Signs and Markings

Subdivision 3 - Closed Streets (Continued)

3.3.3. 4. No person shall excavate in, or place any obstruction upon any highway without erecting and maintaining a good and sufficient fence, railing or barrier around such excavation and placing and maintaining thereon during the hours of darkness sufficient warning lights in good working order to warn persons using the highways that such excavation or obstruction exists. All such fences, railings and barriers shall be so placed, and painted in such a manner, as to give to any person using the highway sufficient warning of such obstruction or excavation as to enable such persons to avoid such excavation or obstruction.

5. No person shall proceed with the execution of work provided for in 3.3.3.3. and 3.3.3.4. above without providing sufficient flagmen during daylight hours or during the hours of work in or upon the highway to ensure that traffic moving upon the highway may move around or pass such excavations or obstructions placed in or upon the highway in safety.

6. The Municipal Engineer in issuing the permit provided for in 3.3.3.3. above shall specify:

a. what portions of any highway may be closed to traffic;

b. how much trench or excavation may be left open at any time;

c. the hours that any portion of any highway may be blocked for construction purposes.

Subdivision 4 - Speed Limits

3.3.4. 1. No person shall drive any vehicle in excess of the following rates of speed:

60 kilometres per hour upon or along any boulevard;
50 kilometres per hour upon or along any avenue;
30 kilometres per hour upon or along any street, crescent, loop or cul-de-sac;
15 kilometres per hour upon or along any parking lot;

WITH THE FOLLOWING EXCEPTIONS

a. 80 kilometres per hour upon that portion of Haisla Boulevard lying to the south of 1st Street;

PART 3 - TRAFFIC AND VEHICLES
Division 3 - Signals, Signs and Markings

Subdivision 4 - Speed Limits (Continued)

3.3.4. 1. b. 50 kilometres per hour upon Station Street from Commercial Avenue to Industrial Avenue;

c. 50 kilometres per hour upon Kuldo Boulevard;

d. 50 kilometres per hour upon Rainbow Boulevard;

e. 30 kilometres per hour upon Ptarmigan Avenue;

f. 30 kilometres per hour upon Cormorant Avenue;

g. 30 kilometres per hour upon Tweedsmuir Avenue;

h. 30 kilometres per hour upon Kingfisher Avenue North from Alexander Avenue to the golf course;

i. 50 kilometres per hour upon Nalabila Boulevard from Haisla Boulevard to Alexander Avenue;

j. 50 kilometres per hour upon Lahakas Boulevard North from Haisla Boulevard to Alexander Avenue;

k. 50 kilometres per hour upon Lahakas Boulevard South from Haisla Boulevard to Quatsino Boulevard;

l. 50 kilometres per hour upon Quatsino Boulevard from Lahakas Boulevard South to Kuldo Boulevard;

m. 50 kilometres per hour upon Tsimshian Boulevard from Haisla Boulevard to Wakashan Avenue;

2. The speed limits hereby specified shall be indicated by appropriate signs and shall apply to such boulevards, avenues, streets, loops, cul-de-sacs and crescents as shall exist from time to time within the municipality.

3. In this section, boulevard, avenue, street, loop, cul-de-sac and crescent means the public thoroughfares from time to time designated or indicated as such on subdivision or right of way plans filed in the Prince Rupert Land Registry Office or subsequently so designed by bylaw.

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PART 3 - TRAFFIC AND VEHICLES
Division 4 - General Regulations

Subdivision 1 - Obedience to Traffic Signs

3.4.1. 1. Every driver or pedestrian shall obey the directions or instructions on or indicated by any traffic sign, traffic lines, traffic signal or traffic control signal placed in accordance with the provisions of this Division except as in this Division may otherwise be provided.

2. Every person driving or operating a vehicle shall bring the same to a complete stop before passing a standard warning, on which the sign "STOP" unaccompanied by other words is indicated, and shall not proceed until such movement can be safely made.

Subdivision 2 - Traffic Direction

3.4.2. 1. No person while riding, operating, driving or propelling any vehicle, or riding any horse or other animal or when walking, travelling or standing in, upon or on any street shall refuse to comply with any traffic direction, command or order, when made, required, demanded or signalled by any Peace Officer.

Subdivision 3 - Fire Department May Direct

3.4.3. 1. Any officer or member of the Municipal Fire Department while in the course of duty in or about any fire or at the scene of any accident, in order to expedite traffic or safeguard pedestrians, may direct traffic on any street in the vicinity of such fire or accident.

2. No pedestrian or driver shall fail to comply with such directions of any such officer or member of the Fire Department.

Subdivision 4 - Following Fire Department Vehicles

3.4.4. 1. No person driving or operating a vehicle, except such vehicles as are conveying persons authorized by law to perform duties in connection with fires, shall follow closer than within 150 metres of any vehicle of the Municipal Fire Department travelling in response to any fire alarm, or to drive or stop his vehicle within a radius of 150 metres of any fire being fought by the Municipal Fire Department, or to drive such vehicle over or across any fire hose laid on any street, unless directed so to do by a Peace Officer or a member of the Municipal Fire Department.

Subdivision 5 - Traffic Tickets

3.4.5. 1. No person, other than the owner or operator of a vehicle shall remove any notice placed on or affixed to his vehicle.

Subdivision 6 - Groups Obstructing Traffic

3.4.6. 1. Except as to parades:

a. no person shall form part of a group of persons congregated on a street in such manner as to obstruct the free passage of pedestrians or vehicles, except with the written permission of the Municipal Engineer; and

b. no person shall do anything which will direct the attention of persons and cause them to congregate in a group upon any street in such a manner as to obstruct the free passage of pedestrians or vehicles, or in such a manner that the persons so congregated might thus be in danger of injury from traffic, except with the written permission of the Municipal Engineer.

Subdivision 7 - Parades

3.4.7. 1. No person shall be a member of, or take part in, any parade unless:

a. such parade be under the direction or control and under the charge of some one person as marshal or organizer; and

b. a written permit for such parade has been issued to such marshal or organizer by the Chief of Police as hereinafter provided.

2. Application for such permit shall be made in writing to the Chief of Police by the marshal or organizer at least twenty-four hours before the parade is to commence.

3. The application shall specify the nature of the parade, the day and hour on or at which the parade is to be held, the place or places of formation or commencement, the route intended to be taken and the point of disbandment.

4. The Chief of Police may issue a permit for a parade subject to any terms he may see fit to impose as to time, route or otherwise, and if any deviation from such terms is made, save as directed by the Chief of Police, the permit shall be void and of no effect.

Subdivision 7 - Parades (Continued)

3.4.7. 5. The Canadian National Flag and/or the British National Flag, unfurled, measuring not less than 1 metre by 2 metres in size, shall be prominently, properly and continuously displayed at the head of every parade and if any flags or emblems of other nations, societies, organizations or associations are displayed, the same shall be displayed under or behind the Canadian National Flag and/or the British National Flag.

Subdivision 8 - Shopping Carts

3.4.8. 1. No person who offers any goods for sale by retail shall permit any customer or any other person to remove any shopping cart or similar device owned by the shop owner or retailer from the parking area and shall so advise the customers.

2. Owners or operators of retail premises using shopping carts shall:

a. post a notice at the customer exit of his store warning customers that shopping carts are not to be removed from the parking area;

b. label every shopping cart used by his business with the name and address of the business so that the ownership of the cart may be readily ascertainable.

3. No person shall abandon any shopping cart upon any highway or other public place.

Subdivision 9 - Removal and Impounding

3.4.9. 1. No person shall park, place or leave any vehicle or other object or thing, in whole or in part, in or upon a street or District owned parking lot or area in the District in contravention of this or any other section of the Municipal Code, or of any other statute of the Province of British Columbia, or so as to be an obstruction or inconvenience to the free use of, or which may encroach on, any streets or District owned parking lots or areas in the District.

2. The Chief Administrative Officer or the Chief of Police or any person authorized by either of them is hereby empowered to remove any such vehicle, object or thing referred to in 3.4.9.1. above, at the expense of the owner or person in charge or control thereof, provided that neither such removal or impoundment as hereinafter provided, shall relieve from responsibility or liability any person guilty of an infraction of any provision of the Municipal Code or statute.

Subdivision 9 - Removal and Impounding (Continued)

3. The Chief Administrative Officer, Chief of Police, or other person, save and except a Contractor hereinafter described, shall have and hereby has the option at his discretion either to detain and impound the same as hereinafter provided, or to return the same to the owner or person in charge as is reasonably practicable, provided that such return shall not relieve such owner or person from payment of the reasonable expenses of the District incurred in such removal and return.

4. The District may, when and as often as is expedient, enter into, renew, vary, amend or terminate any agreement with any other person, persons or corporation (hereinafter called the "Contractor") whereby the powers of removal, impoundment storage, release and sale of vehicles, or other objects or things shall be delegated to and exercised by the Contractor upon the instructions of the Chief Administrative Officer or Chief of Police and upon such terms, covenants, and conditions in such agreement contained or forming part thereof, as the District may direct; and in the event of such agreement as to the vehicles, objects or things removed, impounded, stored, released and sold pursuant thereto, and, as to the rights, powers, duties, burdens or benefits of the District, the Contractor and the owners or lessees of or persons in charge or control of, or entitled to such vehicles, objects and things, the said agreement shall be deemed to supersede, add to or replace such provisions in 3.4.9.5. and 3.4.9.6. hereof where the latter are inconsistent with the former.

5. The Chief Administrative Officer, Chief of Police or other persons intending to remove any vehicle, or any other object or thing which he determines shall be detained and impounded as aforesaid, may instruct the Contractor to so remove, detain and impound the same, and to store and otherwise deal therewith as in any such agreement provided, in which event the provisions of such agreement shall prevail; in the absence of such agreement, or at the option of such Chief Administrative Officer Chief of Police, or other person, upon removing any vehicle, or any other object or thing which he determines shall be detained and impounded as aforesaid, he shall detain and impound the same at such place as the Chief Administrative Officer shall direct, and the owner or lessee of such vehicle, object or thing or the person in charge or control thereof or entitled thereto shall pay those fees and costs set forth in 3.4.9.6. hereof before the said vehicle, object or thing is removed or released from impoundment; provided however, in the event of failure of such owner or person within THIRTY (30) days of the impoundment to pay such fees and costs, the Chief Administrative Officer or Chief of Police shall deliver by ordinary mail a notice to the registered owner or lessee of an impounded registered vehicle, or to the person known or reasonably believed to be the owner or lessee of or person in charge or control of or

entitled to an impounded unregistered vehicle, object or thing, setting forth the costs and fees incurred and those to be incurred until sale and informing the said owner, lessee or person that in the event of his failure to pay the same within TEN (10) days of the date of the notice, the vehicle, object or thing shall be sold at Public Auction to recover such fees and costs, and any surplus after the payment of such costs and fees, including the costs of sale, shall be paid to the said owner, lessee or person.

6. In respect of any vehicle, object or thing so removed, detained, impounded, stored or sold, except pursuant to any agreement as aforesaid in which event the fees and costs provided by such agreement shall prevail, the fees and costs required to be paid the District before such vehicle, object or thing shall be released from impoundment shall be:

a. towing costs for a vehicle - $20.00 plus such actual reasonable towing costs incurred by the District in excess of $20.00;

b. removal costs for an object or thing other than a vehicle - the actual reasonable removal costs incurred by the District;

c. impoundment and storage costs - $5.00 per day excluding the date of impoundment;

d. sale costs - $20.00 plus the costs of such actual reasonable advertising and other sales services as may be required.

Subdivision 10 - Parking Prohibitions

3.4.10. 1. No person shall park or leave standing any vehicle:

a. within 7.5 metres of any traffic sign or traffic signal;

b. within any intersection, and within 6 metres of the street line of an intersecting street, except lanes;

c. within 5 metres of any fire hydrant;

d. in front of or within 1.5 metres of the entrance or exit of any lane or driveway;

e. alongside or opposite any street excavation or obstruction when such stopping would obstruct traffic;

f. on a sidewalk or walkway;

g. upon or within 6 metres of a pedestrian crosswalk;

Subdivision 10 - Parking Prohibitions (Continued)

h. on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

i. in any lane or alleyway for any period of time longer than is necessary for the expeditious loading or unloading of passengers or materials or in such manner as to prevent the free movement of vehicular traffic;

j. on either side of the street in front or within 30 metres of the driveway entrance to any Fire Hall;

k. on that part of any roadway within a distance of 6 metres on both sides of the centre of the main entrances or exterior vestibules of any hotel or theatre unless otherwise marked by traffic signs;

l. on any bridge;

m. on any portion of a street indicated by traffic signs as reserved for any class of vehicle other than a vehicle coming within such class;

n. on any street within 15 m of the nearest rail of a railroad crossing;

o. on any street for the principal purpose of displaying such vehicle for sale, or advertising, washing, greasing, repairing, wrecking or storing such vehicle, except repairs necessitated by any emergency;

p. on the paved portion of any street without curbs where the pavement thereof is 7.3 m or less in width;

q. on any portion of a street for a longer period of time than that indicated on any traffic sign applicable to that portion of the street where such vehicle is parked;

r. in any lane in such a position or manner as to obstruct the free movement of vehicular traffic into or out of any driveway or private road adjoining such lane;

s. on any street, highway or lane between the hours of two o'clock in the forenoon and seven o'clock in the forenoon, between the first day of October in any year and the 31st day of March next ensuing, provided:

(1) that this section shall not apply to vehicles, when parked on Block 1203 in the Service Centre; and

(2) that the Chief of Police may issue permits to persons normally working between these hours authorizing them to park their vehicles in designated parts of specific parking lots; and

(3) that the owner or operator of a business occupying premises in a shopping centre may park a commercial vehicle owned or operated by him in a designated area of a parking lot on receipt of a permit to do so from the Chief of Police;

t. on any portion of a street where traffic signs prohibit parking;

u. on other than the right hand side of any street;

v. on a planting strip except where a driveway has been constructed in conformance with Part 9, Division 10, Subdivision 4, of the Code;

w. adjacent to a traffic sign consisting of a curb painted yellow;

x. on any street, highway, lane or public square between the hours of eight o'clock in the morning and six o'clock in the afternoon during the period from the first day of May to the thirtieth day of September for more than four hours unless the vehicle is parked abutting premises occupied by such person as his residence or place of employment;

y. at other than at right angles to the curb line on that portion of the street between the curb line and the property line between the first day of November in any year and the thirtieth day of April next ensuing.

z. on any street, highway or lane that impedes snow removal.

Subdivision 10 - Parking Prohibitions (Continued)

2. In the case of a vehicle which has become unintentionally mechanically disabled so as to prevent its being driven, the provision of 3.4.10.1. shall not be applicable for a period of twenty-four hours, exclusive of Sundays and Statutory Holidays, from the time that a violation of 3.4.10.1. would have occurred if it had not been for the provision of this subsection.

Subdivision 11 - Prohibited Parking

3.4.11. 1. No driver of any vehicle having an overall length, including load and trailer, of more than 7.5 metres shall park such vehicle on any street or highway except for the purpose of loading or unloading freight, merchandise or passengers.

2. No driver of any vehicle having a manufacturer's rate capacity in excess of 1 tonne shall park such vehicle on any street or highway upon which residential properties abut, except for the purpose of loading or unloading freight, merchandise or passengers.

Subdivision 12 - Parallel and Angle Parking

3.4.12. 1. Except as is provided in this Division or in the case of any vehicle so mechanically disabled as to prevent the moving of same, no person shall park a vehicle on any street, or the side of any street, not designated by a traffic sign for angle parking, other than parallel to and within 30 centimetres of the curb.

2. Upon those streets where angle parking is permitted, the driver of a vehicle shall park at the angle to the curb indicated by parking marks and as close to the curb as practicable, except where angle parking is indicated by signs only, in which case the angle of the parking shall be forty-five degrees from the direction of traffic.

Subdivision 13 - Parcel Pick-Up and Commercial Loading

3.4.13 1. No person shall park a vehicle or allow any vehicle to remain standing in a "Parcel Pick-Up - 3 Minute Parking Zone" for a period of time longer than is necessary for the expeditious loading or unloading of passengers or merchandise and in no event shall such time period exceed a maximum of three minutes.

2. a. No person shall park a vehicle or allow any vehicle to remain standing in a "Commercial Loading Zone" unless the same bears a municipal licence plate issued under Part 4, Division 1 of this Code.

b. No person shall park a vehicle or allow any vehicle to remain standing in a "Commercial Loading Zone" except while loading or unloading and in no event for longer than ONE (1) hour.

Subdivision 14 - Emergency Vehicles

3.4.14. 1. The provisions of this Division regulating the parking of vehicles shall not apply to any emergency vehicle while attending at any emergency call, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic.

Subdivision 15 - Municipal and Utility Vehicles

3.4.15. 1. The provisions of this Division prohibiting stopping and parking shall not apply to:

a. municipal or provincial utility vehicles;

b. vehicles of a public utility corporation or power distribution company; or

c. wrecking vehicles;

d. R.C.M.P. or police vehicles;

while such vehicles are actually engaged in works of necessity requiring them to be stopped or parked in contravention of any such provisions.

Subdivision 16 - Classes of Vehicles

3.4.16. 1. The Council may by resolution exempt any class of vehicles from such provisions of this Part relating to parking and stopping as the Council may deem fit and under such conditions as the Council may impose including the identification of vehicles so exempted and no person shall display on any vehicles any identification purporting to provide for such exemption unless such identification has been duly authorized by the Council.

Subdivision 17 - Prohibiting Of Deposit of Oil, Gasoline, Grease or Similar Substance

1. No Person shall deposit, or permit to be deposited, any oil, gasoline, grease or similar substance:

a. directly onto any street; or

b. indirectly onto any street by way of leaking or otherwise escaping from a vehicle.

c. onto a driveway where the substance or residue could flow into the storm drain

PART 3 - TRAFFIC AND VEHICLES
Division 5 - Operation of Vehicles

Subdivision 1 - Slow Moving Vehicles

3.5.1. 1. The driver of any slow moving vehicle shall drive such vehicle as close as possible to the right-hand curb line of any street.

2. Where any slow moving vehicles tend to congest traffic any Peace Officer may cause such vehicles to be removed or to be temporarily removed from the main travelled portion of the highway for such time and for the purpose of permitting the congested traffic to be relieved.

Subdivision 2 - Intersections and Lanes

3.5.2. 1. No driver of any vehicle shall turn such vehicle so as to proceed in the opposite direction at any intersection or so as to interfere with traffic.

2. The driver of any vehicle emerging from any lane, driveway or building shall stop such vehicle immediately prior to driving on or across any sidewalk or boulevard extending to or across such lane, driveway or building entrance and shall not proceed until movement can be safely made.

Subdivision 3 - Overtaking and Driving on Left Side of Road

3.5.3. 1. No person operating a motor vehicle upon a public highway shall overtake and pass, or attempt to overtake and pass, another vehicle proceeding in the same direction upon any curve or when approaching the crest of any grade, where there is not a clear view of such highway ahead for a distance of 150 metres along such highway.

2. No person shall drive or operate a vehicle to the left of the centre of the highway, or to the left side of the highway:

a. when approaching the crest of a grade or upon the curve where the view is obstructed within a distance of 150 metres ahead;

b. when approaching any intersection or railroad grade crossing; or

c. when the driver's view is obstructed upon approaching within 30 metres of any bridge, viaduct, tunnel or underpass.

Subdivision 4 - Pedestrians and Right of Way

3.5.4.

1. The driver of any vehicle shall exercise due care for the safety of pedestrians and shall given warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

2. Whenever any vehicle has stopped or slowed down at a marked crosswalk, or at any unmarked crosswalk at an intersection, to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such vehicle.

3. At intersections where traffic is controlled by traffic control signals or by a Peace Officer, the driver or operator of a vehicle shall give the right of way to pedestrians within a crosswalk who are crossing the roadway on a green or "GO" signal or in accordance with the direction of a Peace Officer.

4. No person shall drive or operate a vehicle through or within a Pedestrian Safety Zone.

5. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is travelling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

Subdivision 5 - Noisemaking

3.5.5.

1. No person shall operate upon a motor vehicle any calliope, loud speaker or other noise making device upon the streets of the municipality for advertising or other purpose unless a written permit has been applied for and granted by the Chief Administrative Officer.

2. Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within such zone shall sound the horn or other warning device of said vehicle except in an emergency.

Subdivision 6 - Clinging to Motor Vehicles

3.5.6.

1. No person while riding any bicycle, tricycle, coaster, roller skates, toy vehicle, skis or sleigh, shall cling or be attached to any vehicle in motion in or upon any street.

Subdivision 7 - Passengers' Conduct

3.5.7. 1. No person while riding in or on any vehicle shall do any act which will interfere with the driver's proper control of such vehicle.

Subdivision 8 - Clearing Scene of Accident

3.5.8. 1. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance lying upon the highway from such vehicle.

Subdivision 9 - Authorized Processions

3.5.9. 1. No driver of a vehicle shall drive between the vehicles comprising a funeral or authorized procession while it is in motion, unless otherwise directed by a Peace Officer.

2. Funeral processions shall be identified as such by each vehicle therein having its headlights illuminated or by the display of a pennant or other identifying insignia.

Subdivision 10 - Unattended Vehicle

3.5.10. 1. No person having control of or in charge of a motor vehicle on a highway shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key when standing on any perceptible grade, without effectively turning the front wheels to the curb or side of the highway left or right.

Subdivision 11 - Driving Over Curb

3.5.11. 1. No person shall ride, drive or lead any animal or move, drive or propel any vehicle over or across any curb or across any planting strip except at a permanent or temporary driveway provided for such purposes.

Subdivision 12 - Weaving

3.5.12. 1. No driver shall drive a vehicle so as to weave in and out of traffic in such a manner as to interfere with the driving of other vehicles.

Subdivision 14 - Traffic

3.5.14. 1. No person shall drive or operate on a highway:

a. a vehicle having a total outside width, unladen or with load, in excess of 8 feet, except that with loads of loose hay, loose straw, or loose fodder the load may project over the sides of the vehicle such distances as result in a total outside width not in excess of 10 feet;

b. a vehicle having a height, unladen or with load in excess of 4 metres;

c. a vehicle, separately or as part of a combination of vehicles having a length inclusive of front and rear bumpers and load, in excess of 35 feet;

d. a combination of vehicles having a length, inclusive of front and rear bumpers and load, in excess of 60 feet, PROVIDED THAT when the load comprises logs, poles or structural materials in single lengths, a red flag not less than 50 centimetres square shall be carried both on the extreme front and the extreme rear of the vehicle and load while the vehicle is being operated on a highway;

e. a vehicle or combination of vehicles so loaded that the load extends more than 3 feet beyond the front wheels thereof or, if equipped with front bumper, more than 3 feet beyond such front bumper;

f. a vehicle any part of which, or the load upon which extends more than 15 feet behind the centre of the last axle of the vehicle;

g. a passenger-vehicle so loaded that any part of the load extends beyond the line of the fenders;

h. any motor vehicle between November 1st and March 31st during any year or years unless such motor vehicle is using chains, or winter tires, or tires equipped with studs, or any combination thereof.

2. Except as provided in Section 3.5.14.1.h. no person shall drive or operate on a highway:

   a. a combination of vehicles consisting of more than two vehicles;

   b. a vehicle equipped with solid rubber tires the thickness of which between the rim of the wheel and the surface of the highway is less than 32 millimetres;

   c. a vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread or tracks except as provided in 3.5.14.1.h.; PROVIDED THAT such vehicle may be driven or operated on a highway not having a cement-concrete, asphaltic--concrete or bituminous- treated surface; AND PROVIDED FURTHER THAT such vehicles may be driven or operated on a highway if protective padding sufficient to prevent any damage to the highway is attached or placed across the paved section of the highway;

   d. any freight vehicle for the transportation of any freight unless the construction and equipment of the vehicle and the manner in which the freight is loaded and secured are such that the vehicle can be operated safely and without danger of overturning, and such as to prevent the load or any portion thereof shifting or swaying dangerously, falling off, leaking, or otherwise escaping from the vehicle;

      (1) without limiting the generality of the foregoing, it shall be prima facie evidence that a vehicle is being operated in contravention of 3.5.14.1.d. of this subdivision if such vehicle is being operated on a highway:

         (i) for the transportation of a load or more than one tier of logs, poles, or piling unless the vehicle is equipped with fixed bunks, or revolving bunks where a combination of vehicles is used, which are equipped with proper chock blocks with or without stake extension;

Subdivision 14 - Traffic (Continued)

(ii) for the transportation of lumber, logs, poles, piling or pipe when these are longitudinally loaded in single lengths on a flat decked vehicle or on bunks unless the load is secured by at least two chains or cables or equivalent fastenings where it is of a height from the ground of 3.25 metres or less, or by at least three chains, cables, or equivalent fastenings in other cases, which with attachments shall have a breaking strength of at least 3,100 kilograms and shall be fastened in such a manner as to stabilize the load under all operating conditions that may be reasonably anticipated. Where the load comprises two or more separate sections, each section shall be fastened as herein provided as though it were a single-length load.

3. No person shall drive or operate on a highway:

a. a vehicle any axle of which is carrying a gross weight in excess of 18,000 lbs;

b. a vehicle or combination of vehicles having a gross weight on any group of axles, having respect to the distance between the extreme axles in such group, measured to the nearest foot, in excess of the following:

| Distance in Feet Between the Extreme of any Group of Axles | Maximum Gross Load in Lbs. Allowed to be Carried on that Group of Axles |
|---|---|
| 4 | 32,000 |
| 5 | 32,000 |
| 6 | 32,000 |
| 7 | 32,000 |
| 8 | 32,600 |
| 9 | 33,600 |
| 10 | 34,500 |
| 11 | 35,500 |
| 12 | 36,500 |

| Distance in Feet Between the Extreme of any Group of Axles | Maximum Gross Load in Lbs. Allowed to be Carried on that Group of Axles |
|---|---|
| 13 | 37,400 |
| 14 | 38,400 |
| 15 | 39,300 |
| 16 | 40,200 |
| 17 | 41,200 |
| 18 | 42,100 |
| 19 | 43,000 |
| 20 | 43,900 |
| 21 | 44,800 |
| 22 | 45,700 |
| 23 | 46,600 |
| 24 | 47,500 |
| 25 | 48,400 |
| 26 | 49,200 |
| 27 | 50,100 |
| 28 | 51,000 |
| 29 | 51,800 |
| 30 | 52,700 |
| 31 | 53,500 |
| 32 | 54,300 |
| 33 | 55,200 |
| 34 | 56,000 |
| 35 | 56,800 |
| 36 | 57,600 |
| 37 | 58,400 |

Subdivision 14 - Traffic (Continued)

3.5.14. 3. b. (Continued)

| Distance in Feet Between the Extreme of any Group of Axles | Maximum Gross Load in Lbs. Allowed to be Carried on that Group of Axles |
|---|---|
| 38 | 59,200 |
| 39 | 60,000 |
| 40 | 60,800 |
| 41 | 61,600 |
| 42 | 62,400 |
| 43 | 63,100 |
| 44 | 63,900 |
| 45 | 64,700 |
| 46 | 65,400 |
| 47 | 66,200 |
| 48 | 66,900 |
| 49 | 67,600 |
| 50 | 68,400 |
| 51 | 69,100 |
| 52 | 69,800 |
| 53 | 70,500 |
| 54 | 71,200 |
| 55 | 71,900 |
| 56 | 72,600 |
| 57 | 73,300 |

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Subdivision 14 - Traffic (Continued)

3.5.14. 3. c. a vehicle so loaded that the gross weight on any wheel thereof is in excess of 600 lbs. per inch of width of tire in the case of rubber tires or 300 lbs. per inch in width of tire in the case of metal tires;

d. notwithstanding anything contained herein, it shall be lawful to operate a motor vehicle having a maximum gross load up to and including, 400 lbs. in excess of the gross load herein set forth, PROVIDED the said motor vehicle is equipped with an automatic device for the purpose of sanding the highway, and the device is intended to be used for that purpose.

4. No person shall at any time drive or operate on any highway:

a. a solid-rubber-tired vehicle at a greater rate of speed than 15 kilometres per hour;

b. an unloaded logging truck with semi-trailer at a greater speed than 25 kilometres per hour, unless the semi-trailer is carried on the truck.

5. The driver or operator of a vehicle on a highway when so required by a Peace Officer or by any person authorized in writing by the Municipal Engineer, shall:

a. stop such vehicle at such time and place as directed for the purpose of weighing the whole or any part thereof, measuring the dimensions of the vehicle, measuring and inspecting the tires thereon, inspecting the load carried, or for any other purpose under this section;

b. drive such vehicle to the nearest municipal or available scales (whether portable or otherwise) for the purpose of weighing the same;

c. rearrange the load upon such vehicles or remove the whole or part of the load from the vehicle as may be necessary to comply with this section before continuing to drive or operate the vehicle.

Subdivision 14 - Traffic (Continued)

3.5.14. 6. a. The Municipal Engineer may in his direction, by issuance of a special permit in writing, authorize the driving or operation on a highway, subject to such limitations or conditions as he shall cause to be shown on such special permit of any vehicle whether or not such vehicle conforms to 3.5.14.1., 3.5.14.2., 3.5.14.3., and 3.5.14.4.. Upon the issuance of such special permit such vehicle may be driven or operated upon a highway subject to the limitations or conditions shown thereon.

b. Before any permit is issued pursuant to this section, the applicant shall deposit with the Municipal Treasurer a cash deposit in an amount satisfactory to the Chief Administrative Officer or a bond of a surety company in terms and amounts satisfactory to the Chief Administrative Officer in order to secure payment to the municipality of the full cost of repairing or reconstructing any highway or other property of the Municipality which may be damaged by reason of the driving or operation of the vehicle for which the permit is issued.

7. Where any new construction, reconstruction, widening, repair, marking, or other work is being carried out upon a highway, the Municipal Engineer may limit the rate of speed for vehicles travelling upon such part of the highway and may limit the weight of vehicles and the type of vehicles and loads of such vehicles which may use such portion of the highway, and may cause to be erected at each end of and along the said part of the highway signs indicating such speed, type weight and load limitations. No person shall drive or operate a vehicle on such part of the highway contrary to such signs.

3.5.14. 8. When owing to work of construction, repair, or maintenance, or owing to damage by accident or storm, Act of God or other emergency, any highway or portion thereof, is unsafe or unsuitable for traffic, or it is necessary that traffic should be restricted thereon or diverted there from, the Municipal Engineer or the Chief of Police, or any person duly authorized by either of them, may close such highway, or portion thereof, or restrict or divert traffic thereon or there from, and for that purpose may erect or place lamps, barriers, signboards, notices or other warnings upon such highway or portion thereof; and no person shall enter upon, or travel upon, such highway or portion thereof, so closed as aforesaid or enter upon or travel thereon contrary to the restrictions placed upon the traffic thereon as aforesaid, or remove, damage, alter or destroy any lamp, barrier, signboard, notice or warning so placed as aforesaid.

Subdivision 15 - Authorization of Traffic

3.5.15. 1. Notwithstanding any provision in the Code to the contrary, the Chief Administrative Officer may on any highway within the municipality other than an arterial highway, by the issuance of a restricted route permit signed by the Chief Administrative Officer, or any person authorized in writing by the Chief Administrative Officer, authorize the driving or operation of a combination of vehicles having five axles, for the purpose of carrying a block load of logs or saw-timber cants, provided the overall length of the combination of vehicles and a load does not exceed sixty feet, the overall height does not exceed twelve feet six inches, the overall width does not exceed eight feet, and the tire weight of the combination of vehicles does not exceed thirty thousand pounds, over those routes designated in the permit and subject to limitations and conditions of the permit.

Subdivision 16 - Extraordinary Traffic

3.5.16. 1. Where in the opinion of the Municipal Engineer any highway is liable to damage through extraordinary traffic thereon, he may regulate, limit, or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic or owning the goods carried thereby or the vehicles used therein.

2. Every person driving on or using the highway in contravention of a regulation, limitation, or prohibition made under 3.5.16.1. is guilty of an offence against this Code.

3. Any person to whom this section might otherwise apply may, with the approval of the Municipal Engineer, enter into an agreement for the payment to the municipality of compensation in respect of the damage or expense which may, in the opinion of the Municipal Engineer be caused by the extraordinary traffic, and thereupon that person shall not in respect of that traffic be subject to any prohibition or penalty prescribed by this section.

4. The Municipal Engineer may close to traffic or use any highway at such time and for such period of time and in respect of such classes or traffic or use as in his opinion may be necessary for the construction or protection of any highway or other public work or for the protection of persons using the highway or to enable permitted traffic to be handled safely and expeditiously.

PART 3 - TRAFFIC AND VEHICLES
Division 6 - Pedestrians

Subdivision 1 - Pedestrian Regulations

3.6.1.

1. At any street intersection where crosswalks are located and marked, pedestrians shall use such crosswalks in crossing the street.

2. Every pedestrian crossing a highway, at any point other than within a marked crosswalk, shall yield the right of way to all vehicles upon the highway.

3. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

4. Pedestrians shall move, whenever practicable, upon the right half of the crosswalks.

5. No pedestrian shall stand in the roadway for the purpose of soliciting a ride from the driver of any private vehicle.

6. On the approach of an emergency vehicle, pedestrians shall proceed or return to the nearest sidewalk and remain there until such vehicle has passed.

7. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right of way.

8. No person who has alighted from a bus which has stopped at the near side of an intersection shall start to cross to the opposite side of the street upon which such bus is moving, until the bus has moved away from its stopping place, unless such crossing is made in compliance with traffic control signals or at the direction of a Peace Officer.

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PART 3 - TRAFFIC AND VEHICLES
Division 6 - Pedestrians

Subdivision 2 - School Safety Patrol

3.6.2.

1. The principal of any school may appoint a number of pupils to constitute a school safety patrol under rules of the School Board approved by resolution of Council.

2. Such pupils shall be vested with power to require the stopping of vehicles at crosswalks by displaying flags or other devices bearing the word "Stop".

3. No driver of a vehicle which is approaching a crosswalk where a member of a school safety patrol is in attendance shall cause or permit the vehicle to proceed through or into the crosswalk when a flag or other device with the word "Stop" thereon is being displayed so as to face traffic approaching from either direction.

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PART 3 - TRAFFIC AND VEHICLES
Division 7 - Cyclists

Subdivision 1 - Riding on Sidewalks

3.7.1. 1. Pursuant to the Motor Vehicle Act, cyclists are permitted to ride on all sidewalks within the District of Kitimat unless directed otherwise by a sign.

2. Notwithstanding 3.6.1.1. cyclists are not permitted to ride on any sidewalks that directly abut the wall of a building.

3. Cyclists riding on sidewalks must always give way to pedestrians.

Subdivision 2 - Warning Devices

3.7.2. 1. Every bicycle when operated upon a highway or sidewalk shall be equipped with a horn or bell in good working order, capable of emitting sound audible under normal conditions for a distance of not less than 30 metres, and it shall be unlawful for any bicycle to be equipped with a siren or whistle, or to use any such bell or horn otherwise than as a reasonable warning to other users of the highway or sidewalk.

PART 3 - TRAFFIC AND VEHICLES
Division 9 - Road Naming and Numbering

Subdivision 1 - Road Designation

3.9.1. 1. The classification of highways within the District of Kitimat shall be as designated upon "The Road Designation Map of the municipality pursuant to Bylaw 538 which does not form a part of the Code.

Road Naming

2. Before submitting any subdivision plan for approval by the Approving Officer under the provisions of the Land Registry Act, the owner of the land to be subdivided shall:

a. submit to Council for approval the proposed names for all roads shown on the said plan; and

b. after obtaining the approval of Council indicate the approved names on the said plan.

3. Roads which cross a boulevard may not retain the same name on both sides of the Boulevard.

Road Numbering

4. Road numbering of buildings including manufactured homes in the District shall be according to the following system:

Block Numbers

a. road numbers, except in the case of streets and crescents in residential areas, shall be allocated in blocks of consecutive hundreds;

b. each block shall start at an even hundred;

c. a block shall not cover more than 380 metres of road frontage;

Frontage Per Number

d. for every 10 metres of distance measured along the centre line of any road, there shall be allocated one odd and one even number;

PART 3 - TRAFFIC AND VEHICLES
Division 9 - Road Naming and Numbering

Subdivision 1 - Road Designation (Continued)

3.9.1. 4. Odd and Even

e. when facing the direction of increasing numbers, odd numbers shall be on the right side of the road and even numbers on the left side;

On the West Side of the Kitimat River

f. road numbers on Streets or Boulevards shall be allocated in blocks commencing westerly from a line parallel to Enterprise Avenue and passing through the centre of the Kitimat River Bridge on Haisla Boulevard;

g. road numbers on Avenues shall be allocated in blocks and shall increase northward corresponding to the street names;

On the East Side of the Kitimat River

h. numbering on Boulevards which have their western ends at the river shall commence from the centre line of the river;

i. numbering on new Boulevards which commence at an intersection with a Boulevard on which numbers have already been allocated shall start with the block number next higher than that which applies to the older Boulevard at the centre point of such intersection;

j. numbering on Avenues shall commence with the next higher block number than that which applies at the point of intersection on the Boulevard and Avenue;

k. where an Avenue intersects more than once with a Boulevard, or with more than one Boulevard, numbering on the Avenue shall commence from the intersection at which the numbering on the Boulevard is lower;

Streets and Crescents - Residential

l. in a residential area, the numbers to be allocated on Streets and Crescents shall contain no more than three digits and shall commence from the number one at the point of intersection of the Street or Crescent with an Avenue or Boulevard;

PART 3 - TRAFFIC AND VEHICLES
Division 9 - Road Naming and Numbering

Subdivision 1 - Road Designation (Continued)

3.9.1. 4. m. where any Street or Crescent in a residential area intersects more than once with an Avenue or Boulevard, the numbering on the Street or Crescent shall commence from the intersection at which the road numbering on the Avenue or Boulevard is lower.

Pedestrian Malls - Commercial

5. Notwithstanding anything in 3.9.1.4., the provisions below shall apply to buildings fronting on pedestrian malls:

a. the area shall be divided into rectangular blocks of consecutive hundreds increasing numerically along the principal pedestrian mall axis;

b. building numbers will correspond to the block numbers and increase in the same direction; odd numbers shall be on the pedestrian's right and even numbers on the left when facing the direction of increasing numbers;

c. a three digit number will be allocated to entrances directly abutting the mall system; the first digit representing the block, and the first two combined representing a distinctive building number or numbers.

Plan

6. The Municipal Planning Officer shall establish and maintain a plan showing the official road numbers for buildings within the District.

7. The Municipal Planning Officer, upon request, shall inform the owner of any building of the number or numbers which should be placed thereon.

8. In the case of lots which front onto Avenues, Streets and Crescents, the Planning Officer shall allocate a number to each such lot at the time of subdivision, immediately after the plan of subdivision has been approved and shall indicate the numbers allocated on a copy of the plan retained.

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PART 3 - TRAFFIC AND VEHICLES
Division 9 - Road Naming and Numbering

Subdivision 1 - Road Designation (Continued)

3.9.1. Multiple Numbering

9. The Planning Officer may allocate more than one number to a building, such an allocation to be based upon the number of main entrances.

Allocation

10. In the case of an application for a permit to erect a building or other structure on a lot fronting on a Boulevard, the Planning Officer shall allocate a number or numbers to the proposed building or structure at the time of application, and before the permit is issued.

11. The Building Inspector shall indicate to the applicant at the time the permit is issued, the number or numbers allocated under 3.9.1.10.

12. Where an existing building has not previously been allocated a number, or where a building or structure does not require a building permit, the Building Inspector shall request the Planning Officer to allocate a number, and upon receipt shall convey the information to the owner or occupier.

Corner Lot

13. A corner lot shall be deemed to front on the minor road rather than the major, and for this purpose the ascending order shall be (a) Streets and Crescents, (b) Avenues, (c) Boulevards.

14. The Planning Officer shall determine the road on which the lot is deemed to front.

Numbers to be Displayed

15. Every owner shall place and maintain in the vicinity of the entrance or entrances thereto the number or numbers allocated to a building under this Division prior to occupancy of such building, in cases where a building permit has been granted for the construction of such building, and in all other cases, within one month from the date of mailing by the Building Inspector of a notice under 3.9.1.11.

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PART 3 - TRAFFIC AND VEHICLES
Division 9 - Road Naming and Numbering

Subdivision 1 - Road Designation (Continued)

3.9.1.

16. No owner shall place or maintain thereon any number or numbers on the outside of a building other than the number or numbers required under this Subdivision.

17. Every owner shall place and maintain the number or numbers allocated to a building on the sides of the building facing the road so that the number or numbers are clearly visible from the road.

18. In cases where more than one number has been allocated to a building, each number shall be placed by the owner adjacent to the entrances for which they have each been assigned.

19. Numbers shall be placed and maintained by the owner at least 1 metre above the ground and shall be at least 9 cm in height.

PART 4 - LICENCES AND PERMITS
Division 1 - Business Licencing and Commercial Vehicle Licencing

Subdivision 1 - Interpretation - General

4.1.1. 1. In this Division, unless the context otherwise requires, the following definitions apply:

"Business" means the carrying on of a commercial or industrial undertaking of any kind or nature of the providing of professional, personal, or other services for the purpose of receiving income or revenue, but does not include an activity carried on by a municipal, provincial, or federal government

"Carry on Business" means, without restricting the generality of the term, any person who advertises themselves by newspaper; publicly or otherwise, as open for business of any kind, or who deals in, or buys, sells, barters or displays or offers by advertisement or otherwise, to buy, sell or barter commodities or other things of any kind, either on behalf of themselves or on behalf of any other person or who advertises themselves as open to render professional or other services to any other person

"Floor Space" means that area within a building that is used for display purposes, or to service customers, and shall include any ground area actually used for the display or goods or other wares, but shall not include those areas set aside exclusively for the storage of supplies or for the use of the employees of the business

"Ground Area" means the ground area outside a building used for display purposes, or to service customers

"Licence Inspector" means the person appointed as Licence Inspector by Council to administer and enforce the provisions of this bylaw

"People Regularly Engaged" means the persons who are engaged in or connected with the operation of any business, trade, occupation, or calling within the District, and shall include employers as well as employees

"Premises" means a store, office, warehouse, factory building, house, enclosure yard or other place occupied, or capable of being occupied by any person for the purpose of any business, trade or occupation and shall also mean any area situated within any of the foregoing, where more than one separate and/or distinct class or classification of business is being carried on

Subdivision 2 - Interpretation - Categories

4.1.2. 1. "Commercial Business" means a business carried on, in or from premises within the District that is not a dwelling

"Home Business Address" means the use of a dwelling as a business address to allow the overseeing only of any trade, profession, business or other occupation carried on for remuneration or profit

"Home Occupation" means trade, business, profession or other occupation carried on for remuneration or profit in a dwelling or a building accessory to a dwelling

"Non-Resident Business" means a business, other than a Resident business carried on within the District, or with respect to which any work or service is performed within the District

"Resident Business" means a business carried on, in or from premises within the District

Subdivision 3 - Interpretation - Classifications

4.1.3. 1. "Agent" means a person who sells or offers for sale, solicits business, or takes orders on behalf of any person not doing business within the municipality

"Amusement Arcade" means any premises into which the public is invited, whether an admission charge or otherwise, for the purposes of using amusement machines, but does not include a pool or billiard hall or any other premises containing not more than SIX (6) amusement machines

"Amusement Establishment" means any building, hall or park used in and for the entertainment of the public, and which is not specifically defined herein

"Amusement Machine" means a game apparatus or amusement device, the use of which is obtained upon payment of a sum of money, and includes an apparatus or sound equipment designed to amuse or entertain people but does not include pool or billiard tables situated within a licensed pool or billiard hall

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. "Apartment Buildings and/or House Rentals" means any building, buildings or portion of any building containing more than TWO (2) rental units (not being lodging houses, hotels or motels as defined herein) designed, used or occupied as independent dwelling units, provided that the sharing of utilities, or storage facilities shall not be deemed to affect the independence of dwelling units. Rental units shall include but are not limited to houses, manufactured homes, row houses or condominiums

"Auctioneer" means any person selling property by auction

"Automobile Storage" means the provision for the storage of vehicles

"Automobile Towing" means the operation of vehicles equipped for hoisting and/or towing of other vehicles, trailers, machinery or other equipment. This shall not include automobile towing operated in connection with an automotive business

"Automobile Wreckers" means the provision of wrecking, salvage, storage or the sale of inoperable vehicles, trailers, farm equipment or parts of any of them. Such business may include the repair of any of them but specifically excludes the sale of new automotive parts and accessories. Scrap and salvage yards shall be included

"Banking Machines" means the business of banking from banking machines not adjacent to or incorporated into the premises of a financial institution or bank

"Banks" means any business concern which receives, lends and otherwise takes care of money and is governed by the Bank Act

"Barber Shop" or "Beauty Parlour" means any premises where barbering, hairdressing, cleansing or beautifying of the scalp, manicuring, or massaging is carried on

"Boat Rental or Charter" means the leasing or hiring of boats

"Bowling Alleys" means any building where bowling games may be played

"Cab Premises" means any building or place other than a public stand, from which any taxi or limousine is operated or in which orders for hire are received or dispatched

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. "Campgrounds" means campsites, or other areas, available to the general public for use as camping areas, or as parking facilities for recreational vehicles, caravans, or trailers containing accommodation facilities, but does not include trailer and manufactured home parks

"Cannabis Retail" means the barter or sale of Cannabis, or any products containing or derived from Cannabis

"Carnivals" means any business, offering for the use of the public, any amusement rides or games of skill or chance; excluding booths or concessions operated by and for the sole benefit of recognized charities

"Catering Service" means the provision of food services to commercial and industrial undertakings, or the provision of food services to weddings, banquets, and other social functions

"Circus" means any exhibit, exhibition or show where animals are made to perform and also includes a menagerie of hippodrome, where admission is charged but shall not include a carnival

"City Centre Mall Exhibitors" means a business operating on a temporary basis in the City Centre Mall, with the approval of Mall Administration, that does not hold a current, valid District business licence

"Contractor" means a person who undertakes to execute a work of construction, either on their own behalf or by agreement with others:

a. General Contractor

means a contractor who employs or oversees more than two distinct classes of subcontractors, as defined below, at any one time or whose business includes more than one distinct class of subcontractors:

b. Subcontractor - Tradesperson

(1) brick, concrete, stone or masonry
(2) building, carpentry, cabinet-making, framing, siding, forming
(3) demolition
(4) drywall, gyproc, plaster, stucco
(5) electrical
(6) flooring and carpeting
(7) glazing, installation of windows and doors

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. b. Subcontractor – Tradesperson (continued)
(8) heating, air conditioning, refrigeration and sheet metal
(9) insulating, roofing
(10) installation of mechanical equipment
(11) landscaping, excavating, earth moving
(12) ornamental metal work
(13) painting and decorating
(14) plumbing
(15) paving
(16) equipment or machine operation
(17) structural metal fabricating and installing
(18) welding

"Dance Halls" means any building, room or place for hire or profit where public or private dances are held or permitted other than those located in cabarets

"Day Cares and/or Pre-schools" means the provision of child minding, day care or pre-school services

"Delivery and Freight Service" means the transportation of merchandise or other articles. This category shall include delivery, express, freight, moving, transfer, transportation service or company, and includes independent truckers, but shall not include a Taxi, Limousine, Ride Sharing Vehicle, or Lease/Rental Auto business

"Door-to-Door and/or Direct Sales" means the carrying on of business by the display or demonstration of samples, the taking of orders, or the offering for sale of goods, wares or other merchandise directly to or from the public, either on highways or in any other public place, in private residences, place of business or other premises within the municipality

"Escort" means a contractor working for an escort agency who, for a fee, provides companionship for and by individuals for profit or personal gain, escorts or accompanies another person on an intermittent or temporary basis for a social occasion or function but does not mean a person providing assistance to another person because of that other person's age or handicap

"Escort Agency" means an escort service business or agency run by a licensee that charges or receives a fee for providing an escort for social occasions, on an intermittent or temporary basis, and that takes calls or appointments from customers wishing the services of an escort, and that may advertise the availability of escorts in the newspaper, on the internet and elsewhere

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. "Escort, Sole Proprietor" means an individual who acts as both agent and escort who, for a fee, provides companionship for individuals for profit or personal gain, escorts or accompanies another person on an intermittent or temporary basis for a social occasion or function but does not mean a person providing assistance to another person because of that other person's age or handicap

"Exhibition" means the sale, display or showing to the public of goods, wares or other merchandise, and also includes dog, pony or horse shows, on a temporary basis only, on premises temporarily rented, leased or otherwise obtained for these purposes, and to which the public is generally invited regardless of whether or not an admission fee is charged to the public

"Farmer's Market" means a society whose organization and operations are sanctioned by the District, to operate in a designated area

"Financial Institutions" means any business which receives, lends and otherwise takes care of money and is not governed by the Bank Act, and shall include trust companies, credit unions, mortgage broker or other financial institutions

"Fuel Sales - Bulk" means the storage, sale, distribution or delivery of bulk quantities of gasoline, diesel, propane, stove oil, and associated products and shall also include the operation of key-lock facilities

"General Business Services" means the provision of miscellaneous services and minor sales of merchandise or equipment parts. Without limiting the generality of the foregoing, may include the following, but excludes anything else defined herein:

a. carpet laying/cleaning
b. clothing repairs and alterations
c. credit reporting
d. coffee service
e. computer service
f. furnace repair
g. home and garden service
h. janitor service
i. kennels
j. mechanical repairs (other than automotive)
k. office machine repair
l. pest control
m. refrigeration service

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. "General Business Services" (continued)

n. sharpening
o. sign painting
p. telephone answering service
q. upholstery

"Health/Fitness Centre" means the business of providing services or premises for the purpose of promoting health and fitness, and shall include tanning studios, spas, gyms and aerobic fitness centres when they are a part of a health/fitness centre

"Home Craft" means goods or products manufactured or created by individuals in their home pursuant to the Home Occupation provisions of the District. This licence will also include the sale of these goods by the individual who has created them

"Hotels - Motels" means any building(s) other than apartments or lodging houses comprising THREE (3) or more sleeping or rental units intended or designed to be temporarily occupied by tourists or transients

"Laundromat" means coin or operator operated laundry or dry cleaning service having a machine or series of machines with an individual capacity not in excess of EIGHTEEN (18) kilograms (40 lbs.), but shall not include a laundry or dry-cleaning establishment

"Laundry or Dry-Cleaning" means any building or part thereof where the pressing, cleaning, dyeing or washing of clothing or other fabrics is carried on, and includes any premises where the business of linen supply is carried on, but does not include the operation of a laundromat as described above

"Laundry and Dry-Cleaning Call Office" means a place of business where laundry and dry-cleaning are processed to a laundry located elsewhere

"Lease or Rental Agency" means a person, who, acting for themselves, or on behalf of another, rents, leases or otherwise lets, any goods, wares, merchandise, or equipment of any kind

"Lease/Rental Auto: means any person, who acting for themselves, or on behalf of another, rents, leases or otherwise lets, any automobile, truck or other vehicle for any term

“Limousine” means a Passenger Directed Vehicle

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. “Liquor Outlet" means an establishment primarily in the hospitality, entertainment, or beverage service business which holds a liquor-primary license issued under the *BC Liquor Control and Licencing Act*; including, but not limited to, bar, pub, cabaret or licensee retail store

"Lodging Houses" means boarding and rooming houses and any building or part thereof whether completely or partially furnished, used or designed for the purpose of accommodating for consideration boarders or lodgers, but does not include apartment houses, hotels and motels nor the accommodating of not more than TWO (2) boarders or lodgers

"Mail Order Business" means a business where orders are taken by any person on their own behalf or as an agent for another, for the sale of goods, wares or merchandise to be supplied from goods, wares or merchandise kept in stock by a person outside the District

"Manufacturer" means a person who carries on, maintains, owns or operates a business, of assembling, manufacturing, producing or finishing goods, substances or things or any part thereof and shall include without limiting the foregoing a manufacturer of forest products such as sawmills and pulp mills.

“Mobile Food Vendors” means any vehicle, cart, or other self-contained moveable structure from which food and/or beverages are served to the public.

"Mobile Vendors and Mobile Stores" means a person who uses a vehicle to go from place to place or uses a vehicle as a stationary, or moveable, place of business, and, without limiting the foregoing, shall include Christmas tree sales or the sale of tools

"Nurseries" means a person engaged in the business of growing, rearing, producing or harvesting for sale plants, shrubs or other garden supplies, and may include the sale of related garden tools, accessories or supplies

"Office or Commercial Space Rental" means the rental of offices, suites, rooms or space for business purposes in any building or buildings

“Passenger Directed Vehicle” means taxis, limousines and vehicles operated under a license held by a transportation network service provider under the *Passenger Transportation Act* and amendments thereto

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. "Passenger Transportation Network Authorization" has the same meaning as in the *Passenger Transportation Act* and amendments thereto

"Passenger Transportation Network Operator" has the same meaning as in the *Passenger Transportation Act* and amendments thereto

"Pool and Billiard Halls" means a place where pool or billiards may be played and where a fee is charged for such play

"Printers and/or Publishers" means a person who is in the business of printing and/or publishing books, newspapers, magazines, or other printed material

"Private Garbage Collection and Sanitary Services" means a business providing for the collection and removal of garbage, septic tank effluent, or other waste

"Professional Services" means any person practising, following, engaging or carrying on the following professions, callings or occupations as a business for a fee. Without limiting the generality of the foregoing, may include the following, but excludes anything else defined herein:

a. accountant
b. agrologist
c. appraiser
d. architect
e. bailiff
f. bookkeeper
g. chiropractor
h. collection agency
i. commercial or residential artist
j. consultant
k. custom broker
l. dental surgeon
m. dental technician
n. dentist
o. designer
p. draftsperson
q. engineer
r. forester
s. forestry consultant
t. health care specialist
u. income tax preparer
v. instructor

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. "Professional Services" (continued)

w. insurance agent or salesman
x. investment agent
y. laboratory technician
z. land surveyor
aa. lawyer
bb. locksmith
cc. massage practitioner
dd. medical specialist
ee. natural gas technician
ff. naturopathic physician
gg. notary public
hh. ophthalmologist
ii. optician
jj. optometrist
kk. osteopath
ll. outfitter/guide
mm. photographer
nn. physician or surgeon
oo. physiotherapist
pp. practical nurse
qq. promoter
rr. psychiatrist
ss. psychologist
tt. public relations agent
uu. real estate agent or salesman
vv. registered nurse
ww. travel agency or travel agent
xx. undertaker
yy. veterinarian

"Public Utility Company' means a person operating a company formed or chartered to render services to the public and regulated by a government commission, and, without limiting the foregoing, shall include a bus line, a chartered bus firm, a company supplying cablevision services, an electric company, a gas company, or a telephone company

"Radio or T.V. Broadcasting" means a place of business where the broadcasting of radio or the transmission of television takes place but shall not include a person licensed under public utility company

"Religious or Charitable Business" means any business, operated solely by a bona fide religious or charitable organization recognized as such by the provincial or federal government, which would otherwise fall within the definition herein contained for door-to-door and/or direct sales, or retail

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. "Restaurant, Cafe, Snack Bar" means any business where prepared food and/or beverages are sold to the public, for consumption on or off the premises, and will include a cafe, cafeteria, snack bar, sandwich shop, soda fountain, coffee bar, quick food, drive-in cafe and restaurant but shall not include a food-primary business with a lounge endorsement or a liquor-primary business licensed under the *Liquor Control and Licencing Act*

"Restaurant (Licensed)" means a food-primary business with a lounge endorsement under the *Liquor Control and Licensing Act*

"Retail" means the sale at retail of goods or commodities and, without limiting the foregoing, shall include the following:

a. Automobile Dealers and/or Automotive Service means automobile repairs, sales of new and used cars, trucks, campers, recreational vehicles, tourist trailers, parts or other automobile supplies of any kind, and, without limiting the foregoing, shall include service stations, self-serve gas bars, car wash and polish, tire shop, body shop, muffler shop, and towing services when done in conjunction with a service station;

b. Equipment Dealers means the retail sales and service of any and all types of heavy equipment, and, without limiting the foregoing, shall include bulldozers, trenchers, backhoes, draglines, clamshells, power graders, irrigation equipment, farm equipment, skidders, loaders, mill and other industrial equipment;

c. Food Store means all businesses engaged in the sale at retail of groceries, meat, meat products, canned goods, vegetables, and items incidental to the business, and, without limiting the foregoing, shall include mini-stores, grocery stores, convenience stores, bakeries and supermarkets;

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. d. Merchants means all other categories of retail sales not specifically mentioned above and the incidental repair of those items sold, and, without limiting the foregoing, shall include:

(1) antique sales
(2) appliance sales and/or repairs
(3) art galleries
(4) arts and crafts
(5) auction houses
(6) book shops
(7) building supplies
(8) carpets
(9) ceramics
(10) clothing
(11) department stores
(12) drug stores
(13) electrical supply stores
(14) electronic sales and/or repairs
(15) fabrics
(16) feed and grain
(17) florist
(18) furniture and appliance
(19) gift shops
(20) hardware stores
(21) jewellery stores
(22) leather goods
(23) marine and industrial parts
(24) music stores
(25) office equipment and stationery
(26) pawnbroker
(27) pet and pet supplies
(28) photographic supplies
(29) plumbing supplies
(30) radio and T.V. sales and/or repairs
(31) second hand stores
(32) shores and/or shoe repairs
(33) sporting goods

“Ride Sharing Vehicle” means a Passenger Directed Vehicle

"Security and Patrol Service" means every person carrying on the business of watching, guarding, or patrolling for the protection of persons or property

"Stables" means the business of rearing, keeping, housing, feeding, training, or caring of horses which are not owned by the person conducting the business

Subdivision 3 - Interpretation – Classifications (Continued)

4.1.3 1. "Tanning Studio" means a place where a person has installed equipment to facilitate the tanning of people

"Taxi" means a Passenger Directed Vehicle

"Theatres, Amusement Halls and Drive-In Theatres" means any place which is used for the showing of theatrical, operatic, variety, television, or cinematic performance or shows of for similar purposes

"Trailer and Manufactured Home Parks" means land used for the parking of manufactured homes or trailers if intended for use as residences on a permanent or semi-permanent basis, but does not include campgrounds

"Transportation Network Services Authorization" has the same meaning as in the *Passenger Transportation Act* and amendments thereto

"Unclassified" means any business not elsewhere defined in this bylaw:

a. Service Industry - providing of professional, personal or other services;

b. Retail Industry - carrying on of a commercial or industrial undertaking;

"Vending Machines" means any device intended or designed to dispense goods following insertion of money or tokens, but shall not include machines licensed under a laundromat or as amusement machines

"Warehousing" means the operation of a warehouse or storage facilities building for the purpose of storing goods or wares or the rental of space to others for similar purposes

"Wholesale" means the sale of goods, wares, or other merchandise to retail dealers or other wholesale dealers or to contractors or manufacturers, for resale or for incorporation into other products, and may allow the incidental sale at retail of the goods.

Subdivision 4 - General Regulations

4.1.4. 1. Licence Required

No person shall carry on business within the District without first having obtained a valid District of Kitimat business licence, provided that this provision shall not apply to any business exempted from the requirement to hold a business licence by provincial or federal statute or regulation or pursuant to the exemptions listed in this division.

2. Exemptions

a. A business licence is not required for a performance, concert, exhibition or entertainment where the entire proceeds of which above actual expenses, are devoted to a charitable purpose.

b. A business licence is not required for a performance, concert, exhibition, entertainment or concession which is held in a licensed theatre or other licensed place.

3. Exemptions (Non-Resident Businesses)

a. Commercial travellers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their business.

b. Owners or operators of carriers other than Passenger Directed Vehicles who either pick up passengers or chattels in the municipality for discharging or delivery outside the municipality or discharge or delivery in the municipality of passengers or chattels picked up outside the municipality, or both, unless the municipality forms part of a trading area designated for carriers under the Local Government Act.

c. Owners or operators of retail businesses who only discharge passengers in the municipality unless the municipality forms part of a trading area designated for Passenger Directed Vehicles under the Local Government Act.

d. Owners or operators of retail businesses who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged.

Subdivision 4 - General Regulations (Continued)

4.1.4. 3. Exemptions (Non-Resident Business) (continued)

e. A wholesaler or manufacturer or processor who is only in the business of offering for sale or selling their own merchandise and delivering it in their own vehicle to merchants for resale by the merchants in the ordinary course of the business.

f. A person practising a profession governed by a special Act unless they regularly and generally carry on business in the municipality.

4. Application and Fees

a. Every person applying for a business licence shall complete the form supplied by the District for such purpose, and shall tender the applicable licence fee(s) set forth in Schedules "A", "B", "C" of this Division, and forming part of the bylaw, with the application.

b. No proportionate reduction or rebate of the business licence fee(s) shall be made on account of a person commencing to do business after January 1 or ceasing to do business before December 31 in any year, except that the business licence fee(s) shall be reduced by one half for a person who becomes liable for a yearly licence after July 31 in any year.

5. Fees for Multiple Classifications

a. If a single business entity in one location or premise falls under more than one classification within any one group in Schedule "B", the square metres (feet) of all such classifications within the group shall be added together as a whole for fee calculation purposes.

b. If a single business entity falls under more than one classification within Schedule "A", the number of people regularly engaged in all such classifications shall be considered as a whole for fee calculation purposes.

Subdivision 4 - General Regulations (Continued)

4.1.4. 6. Issuance

No business licence shall be issued until the Licence Inspector has approved the granting of the licence.

7. Licence Period

a. Except as hereinafter provided, business licences shall be granted for a one year period, to commence on the first day of January and to terminate on the thirty-first day of December in each and every year.

b. The period for a business licence in respect of a theatre, including drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park, or other such place of amusement or exhibition shall be for such length of time as stated upon the licence, and may be for ONE (1) year, SIX (6) months, THREE (3) months, ONE (1) month, ONE (1) week, or ONE (1) day.

c. The period for a business licence with respect to a carnival, circus, horse show, dog show, or pony show, exhibition, elsewhere than in a licensed theatre or licensed place shall be for ONE (1) day.

8. Security for Non-Resident Business

a. A person applying for a business licence to carry on a non-resident business shall be required by the Licence Inspector to give security to the District in the sum of ONE THOUSAND DOLLARS ($1,000.00), the return of which shall be conditional upon such person carrying on the non-resident business within the District without deceit, misrepresentation, or fraud. The Licence Inspector may waive this requirement in certain circumstances.

b. Security shall be in the form of cash, certified cheque, bond guarantee by a licensed bonding company or a letter of credit from a bank.

Subdivision 4 - General Regulations (Continued)

4.1.4. 8. Security for Non-Resident Business (continued)

c. Security shall be given for the period from the date the business licence is issued until whichever is the earlier.

(1) six months after the licensee ceases to hold the licence to carry on a non-resident business;

(2) the date on which the licensee is issued a licence by the District to carry on the business as a resident business; or

(3) three consecutive years have lapsed during which no order has been made respecting notice of a civil action in a court based on deceit, misrepresentation or fraud on the part of the licensee arising out of the carrying on in the District of the business for which the security is held.

9. Classification of Businesses

Business in the District shall be classified by the Licence Inspector in accordance with Schedules "A", "B", and "C" of this Division. In addition, each business shall be categorized into "Resident Business" or "Non-Resident Business" categories. Furthermore, "Resident Business" shall be further categorized into "Commercial Business", "Home Business Address", "Home Occupation" or “Bed and Breakfast” categories.

10. Separate Licence

a. Where a business is carried on, in, or from more than one premise(s) in the District the business carried on, in, or from each premise(s) shall be deemed to be a separate business and shall require a separate business licence.

b. Where there is more than one separate and distinct business classification located within the same premise(s), each business classification shall have a separate business licence.

c. Where the business is an Escort Agency, in addition to the Agency License fee, a separate Escort License fee shall be required for each individual escort.

Subdivision 4 - General Regulations (Continued)

4.1.4. 11. Change of Location, Name or Ownership

a. Every business licence granted shall be deemed to be a personal licence to the licensee named, and in the event of a change of operator, the new operator shall apply for a new business licence.

b. No business licence shall be transferred from one person in respect of certain premises to that same person in respect of other premises, without application being made pursuant to 4.1.4.4. and the subsequent approval of that application.

12. Display Licence

Business licences shall at all times be prominently displayed in a conspicuous place on the premises or on the thing, article or person in respect of which the licence is issued, or a place designated by the Licence Inspector.

13. Notification of Business Changes

a. Every licensee shall notify the Licence Inspector in writing of any change in the mailing and/or the business address, the business practice, the floor area of the premise(s); the number of people, rental units, machines, vehicles, or other fee base, used in the operation of the business; or any major alteration to the premise(s) in which the business is carried out. The Licence Inspector may require the licensee to make an application to amend the nature, character, kind, description or extent of the business and to take out and pay for such other, further or additional business licences as shall be applicable or required under the provisions of this Division.

b. Licensees shall notify the Licence Inspector of the termination of the business.

c. Businesses that do not renew their business licence shall be deemed to be inactive.

Subdivision 4 - General Regulations (Continued)

4.1.4. 14. Granting and Suspension

The Licence Inspector shall grant a business licence when satisfied that the applicant therefore has complied with the requirements of the bylaws of the municipality regulating building, zoning, health, sanitation, and business, and may suspend for such period as he may determine any business licence if the holder of the licence:

a. is convicted of an offense indictable in Canada;

b. is convicted of any offence under any municipal bylaw or statute of the province in respect of the business for which he is licensed or with respect to the premises named in this licence;

c. has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect to the premises named in his licence as to warrant the suspension of this licence;

d. has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his licence;

e. has, in the opinion of the Licence Inspector, conducted business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.

15. Suspension

The suspension of a business licence by the Licence Inspector shall be made by notice in writing signed by the Licence Inspector and served on the licensee or delivered to the licensee by registered mail to the address given on the business application. A notice of such suspension of licence may be posted by the Licence Inspector upon the premises for which the licence was issued notice shall not be removed until the licence is reinstated, the former licensee ceases to occupy the premises, or a new business other than the one carried on by the former licensee is started in the premises.

Subdivision 4 - General Regulations (Continued)

4.1.4. 16. Appeal

Any person whose business licence has been suspended or whose business licence application has been refused may appeal to the Council, and upon appeal the Council may confirm or may set aside such suspension or refusal on such terms as it may deem fit.

17. Revoke

a. The Council may revoke a licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard.

b. The notice and opportunity to be heard referred to in 4.1.4.17.a. above, is not required in respect of the licensee who by reasonable efforts cannot be found.

18. Granting or Refusing Referred

The Licence Inspector may refer the decision of granting or refusing to grant a licence to Council, who, for that purpose, may conduct a hearing.

19. Compliance with Other Enactments

The issuance of a business licence shall not be deemed to be a representation by the municipality to the licensee that the business complies with any or all applicable bylaws or enactments. The business owner remains responsible to ensure compliance with all bylaws and enactments.

Subdivision 5 - Regulations of Business

4.1.5. 1. Carnival/Circus - Insurance and Safety Standards

a. A person applying for a business licence to hold a carnival or circus on public property will be required by the Licence Inspector to obtain and maintain comprehensive general liability insurance in the amount of TWO MILLION DOLLARS ($2,000,000.00). The District shall be included as an additional insured. The licensees shall save the District harmless against claims, actions for injury, damage, loss or death arising out of or resulting from the operation of the carnival or circus. The licensees' insurer must recognize the existence of the save harmless clause.

b. Proof that all machines, rides and equipment to be used by the public at the carnival or circus have a current, valid inspection certificate from the Provincial Authority having jurisdiction, may be required by the Licence Inspector before a licence is issued.

c. Any person applying for a licence on public property shall deposit with the District security in the form of cash, certified cheque, bond guarantee by a licensed bonding company, or a letter of credit from a bank, which shall be held by the District as security towards reimbursement of any expenses incurred to carry out clean-up operations or repair damage caused by the operation of the carnival or circus. The security shall be returned to the applicant upon the District being satisfied that the applicant has carried out the necessary clean-up operations or repairs.

2. Cannabis Retail

a. That documentation be provided showing adherence to Provincial Standards as outlined in the Cannabis Control and Licensing Act, Cannabis Distribution Act and any related regulations, pertaining to security requirements, employee training and education, and background checks.

b. Business must only be permitted to be open for business from 9:00 a.m. to 11:00 p.m.

Subdivision 5 - Regulations of Business

4.1.5. 3. Catering Service

Applicants under this classification must provide proof that they hold a valid permit to operate a food service establishment from the Provincial Authority having jurisdiction before a business licence will be issued.

4. City Centre Mall Exhibitors

Businesses that hold a current, valid District business licence will be able to set up in City Centre Mall, on a temporary basis only, without having to obtain additional business licences as long as the business is licensed under the classification they are exhibiting in the mall.

5. Contractor

a. No person shall, without supplying to the Licence Inspector trade certification according to the Apprenticeship Act, R.S.B.C. 1979, C. 17, carry on the business of a contractor in the following designated trades:

(1) plumbing, pipe fitting
(2) roofing, sheetmetal
(3) steam fitting
(4) sprinkler fitting
(5) dampproofing and waterproofing

b. Every person licensed as a contractor, shall on the request of the Licence Inspector, provide a list of all tradesmen engaged on a specific project as well as proof of mandatory trade certification for the trades listed above.

6. Dance Halls

No person shall be licensed to carry on the business of a dance hall unless the premises intended for that use have first been approved and inspected by the Fire Commissioner's Office.

7. Day Care and/or Preschools

Applicants under this classification must provide proof of licencing by the Provincial Authority having jurisdiction before a business licence will be issued.

Subdivision 5 – Regulations of Business (Continued)

4.1.5 8. Door-to-Door and/or Direct Sales

a. No person in the municipality shall call at any residence between the hours of 9:00 P.M. and 9:00 A.M. for the purpose of selling, soliciting, or taking orders, unless a previous appointment has been made for such a call.

b. Any door-to-door or direct sales person shall, when conducting or attempting to conduct business:

(1) state to any person with whom he is conducting or attempting to conduct business the name of the business or other organizations with whom he is associated, affiliated or representing;

(2) state to any person with whom he is conducting or attempting to conduct business his full legal name, consisting of all personal names and his surname;

(3) display to any person with whom he is conducting or attempting to conduct business a copy of the business licence issued hereunder.

9. Escort

Every person or individual working as an Escort shall:

a. be 19 years of age or older;
b. maintain to the satisfaction of the License Inspector and the Officer in Charge of the RCMP a written record of every request to provide or furnish an escort or partner, giving the name and address of the individual requesting the service together with the function to be attended;
c. operate in a safe and health conscious manner; and
d. not provide escort services between the hours of 4 a.m. and 5 p.m.

10. Escort Agency

Every person or individual carrying on the business of or operating an Escort Agency shall:

a. maintain a registry with the name, age, address; proof of name and age; and a description of every individual employed or engaged in the said business;

Subdivision 5 – Regulations of Business (Continued)

4.1.5 10. Escort Agency (continued)

b. maintain to the satisfaction of the License Inspector and the Officer in Charge of the RCMP a written record of every request to provide or furnish an escort or partner, giving the name and address of the individual requesting the service together with the name of the escort or partner recommended and the function to be attended;
c. not employ any person in the said business unless such a person is 19 years of age or older;
d. submit to a criminal record check; and
e. not provide escort services between the hours of 4 a.m. and 5 pm.

11. Farmers' Market

The District will not require local businesses to obtain a business licence provided they only sell at the Farmers' Market. They will, however, require a business licence, in the applicable classification if they conduct their business outside the Farmers' Market.

12. Home Business Address

Every person carrying on a business as a home business address shall ensure that any aspect of the business carried on in, at, or from a residential premises complies with the regulations respecting Home Business Addresses specified in the District of Kitimat zoning bylaw and amendments thereto in effect from time to time.

13. Home Occupation

Every person carrying on a business as a Home Occupation shall ensure that any aspect of the business carried on in, at, or from a residential premises complies with the regulations respecting Home Occupations specified in the District of Kitimat zoning bylaw and amendments thereto in effect from time to time.

14. Hotels, Motels and Lodging Houses

No person shall be licensed for a hotel, motel, or lodging house unless the premises have first been approved by the Medical Health Officer, the Building Inspector and the Fire Chief.

Subdivision 5 - Regulations of Business (Continued)

4.1.5. 15. Mobile Vendors, Mobile Stores, and Mobile Food Vendors

a. All Mobile Vendors and Mobile Stores shall, where applicable, be in possession of a valid permit to operate a food services establishment by the Provincial Authority having jurisdiction if they are preparing food.
b. Mobile Vendors and Mobile Stores may not set up on municipal roads, boulevards, or parking lots for the display and sale of goods except in an area designated by the District for such purposes.
c. Unless otherwise stated in this Division, Mobile Food Vendor Policy M-09, as amended from time to time, shall apply to all Mobile Food Vendors.

16. Professional Services

Visiting health care professionals will not be required to hold a District business licence if they hold a current, valid business licence from another municipality.

17. Restaurants, Cafes, Snack Bars

Applicants under this classification must provide proof that they hold a valid permit to operate a food services establishment from the Provincial Authority having jurisdiction before a business licence will be issued.

18. Security and Patrol Service

All applications for security and patrol service shall be forwarded to the Royal Canadian Mounted Police prior to issuance of a business licence.

19. Passenger Directed Vehicles

a. Ride Sharing Vehicle
   i. Every person who carries on a ride sharing business must operate under a Transportation Network Services Operator.
   ii. Every Transportation Network Services Operator operating in Kitimat must carry a municipal business licence.
   iii. Municipal business licences for Transportation Network Services Operators shall only be valid during the period that they possess a valid Provincial Passenger Transportation Licence from the British Columbia Passenger Transportation Branch.
   iv. A municipal business licence will only be issued to a Transportation Network Services Operator upon proof to the Licence Inspector of valid Transportation Network Services Authorization.

Subdivision 5 - Regulations of Business

4.1.5. 19. Passenger Directed Vehicles (continued)

b. Taxi and Limousine

i. Every person who carries on a taxi business or limousine business must carry a separate current business licence for each vehicle.

ii. Municipal business licences for individual Taxi and Limousines shall only be valid during the period that they possess a valid Provincial Passenger Transportation Licence from the British Columbia Passenger Transportation Branch.

iii. A municipal business licence for an individual Taxi or Limousine will only be issued on proof to the Licence Inspector of a valid Provincial Passenger Transportation Licence from the British Columbia Passenger Transportation Branch.

20. Vending and Amusement Machines

No person shall own, keep or maintain any vending or amusement machines unless there has been imprinted thereon, the name, address and telephone number of ONE (1) or more of the following:

a. the owner, if resident in the District;
b. an agent of the owner, resident in the District;

provided that this provision shall not apply to vending machines operated exclusively upon premises in respect of which the owner holds a valid "Retail" business licence for sale of goods of the type vended by the machines.

Subdivision 6 - Commercial Vehicle Licencing

4.1.6. 1. The District hereby declares that Part XI, Division 2, of the Local Government Act applies and is in force in the municipality.

2. No "commercial vehicle", as defined in the Commercial Transport Act, shall be operated on any highway in the District unless a valid licence plate/decal has been obtained from the Licence Inspector.

3. Every person applying for a licence plate/decal, shall complete the form supplied by the District for such purposes, and shall tender the licence fee as set out by provincial regulation with such application.

PART 4 - LICENCES AND PERMITS
Division 1 - General Provisions

Subdivision 6 - Commercial Vehicle Licencing (Continued)

4.1.6.

4. Where the applicant for a licence is an agent or co-owner, the owner or owners shall be deemed to have authorized all statements set forth in the application and shall be deemed to have made such statements.

5. Upon receipt of the complete applications for a licence plate/decal and the prescribed fee, and on being satisfied that all applicable federal, provincial and municipal regulations have been complied with, the Licence Inspector shall issue a numbered licence plate/decal and shall endorse on the registration card:

   a. licence plate/decal number
   b. date of issue; and
   c. fee paid.

6. The licence plate shall at all times be affixed on the upper centre on the inside of the front windshield or other place approved by the Licence Inspector.

7. Where a person ceases to be the owner of a vehicle licensed and authorized to carry a licence plate/decal therefore, it is deemed to be cancelled and the new owner shall make application to the Licence Inspector for the transfer of the licence plate/decal in accordance with the provisions of this Division.

8. Notwithstanding any other provisions, the purchase of a vehicle by a dealer in vehicles for sale, shall not require the licence plate/decal to be cancelled or transferred until the dealer sells the vehicle to a person other than another such dealer for resale, provided, however, that the vehicle shall not, prior to its resale, be operated on any highway in the District unless it displays a plate/decal issued to such dealer.

9. Where a licence plate/decal is lost, stolen or destroyed, or becomes illegible or mutilated, the owner of the vehicle shall apply to the Licence Inspector for a replacement. Upon payment of the applicable fee and upon surrender of such plate/decal, if still in the possession of the owner, the Licence Inspector shall issue a replacement plate/decal and shall endorse the record of its issuance on the registration card for the vehicle in question.

PART 4 - LICENCES AND PERMITS
Division 1 - General Provisions

Subdivision 6 - Commercial Vehicle Licencing (Continued)

4.1.6.

10. Upon application for a licence for any vehicle operated under an agreement under Section 13 of the Commercial Transportation Act, and payment of the licence fee, a licence plate/decal shall be issued and is valid for display on any of the vehicles operated under the agreement.

11. Upon application by the transferee, and payment of the transfer fee as set out by provincial legislation, a new licence plate/decal may be issued:

    a. from person to person for the same vehicle, or

    b. from vehicle to vehicle for the same person;

    provided, however, that in addition to the transfer fee, there shall also be paid to the District any sum representing the difference in licence plate/decal fees required for the transfer of a licence plate/decal to a vehicle of greater gross weight.

12. The following vehicles are exempt from the provisions of this Division:

    a. a tractor that is owned by a bona fide farmer and used for towing a trailer to market or for towing any implement of husbandry used by or on behalf of the farmer;

    b. a commercial vehicle owned or leased exclusively by any municipality, regional district or school district, or by an organization comprised of municipalities, regional districts or school districts;

    c. for any Government of Canada commercial vehicle;

    d. for any school bus, or mission bus, or truck being the sole property of a religious organization and used solely for religious or education purposes;

    e. for any commercial vehicle used exclusively for fire protection purposes;

PART 4 - LICENCES AND PERMITS
Division 1 - General Provisions

Subdivision 6 - Commercial Vehicle Licencing (Continued)

4.1.6. 12. f. any vehicle licensed as a farm vehicle under the Commercial Transport Act, except when used for the collection or delivery or both, of goods, wares, merchandise, or other commodity not required in the ordinary course of farming;

g. any vehicle owned and operated by an improvement district;

h. any motor vehicle owned or used by any person who, through active service in the armed forces in any war, has lost a limb, or is in receipt of one hundred percent (100%) disability pension; provided that the exemption granted by this section does not extend to the concurrent licencing of more than ONE (1) vehicle for the same person;

i. any vehicle licensed under the Commercial Transport Act owned by a farmer and used only to transport the produce of his farm to market and to transport supplies required for his farm;

j. any vehicle licensed under the Commercial Transport Act not being used by a person for the purpose of his business, or by an organization for profit;

k. any vehicle owned by the Crown in the Right-of-the-Province.

PART 4 - LICENCES AND PERMITS
Division 1 - General Provisions

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SCHEDULE "A" - FEES

Business Classification

Agent
Barber Shop or Beauty Parlour
Boat Rental and Charter
Catering Service
Day Care and/or Preschools
Delivery and Freight Service
Door-to-Door and/or Direct Sales
Financial Institutions
General Business Services
General Contractor
Health/Fitness Centre
Home Craft
Mail Order Business
manufacturer
Nurseries
Printers and/or Publishers
Private Garbage Collection and Sanitary Services
Professional Services
Security and Patrol Service
Stables
Subcontractor (Tradesperson)
Unclassified - Service Industry

Fees Payable

For the above businesses the fee payable shall be based on number of persons regularly engaged in the business:

| | |
|---|---|
| 1 - 3 | $ 75.00 |
| 4 - 10 | 150.00 |
| 11 - 20 | 300.00 |
| 21 - 35 | 600.00 |
| over 35 | 1,400.00 |

SCHEDULE "B" - FEES

Business Classification

| | |
|---|---|
| Group A<br><br>Automobile Storage<br>Automotive Wreckers | <br><br>0 - 1.21 hectares ground area - $150.00<br>(0 - 3 acres ground area)<br>Over 1.21 hectares ground area - $200.00<br>(over 3 acres ground area) |
| Group B<br><br>Office or Commercial Space Rental | <br><br>$8.00 per 92.90 square metres of rented floor space<br>(1000 square feet of floor space) or part thereof<br>Maximum $600.00 fee |
| Group C<br><br>Laundromat<br>Laundry and Dry Cleaning<br>Laundry and Dry Cleaning Call Office<br>Lease or Rental Agency<br>Pool and billiard Halls<br>Restaurants, Cafes, Snack Bars<br>Retail<br>Tanning Studio<br>Unclassified - Retail Industry<br>Wholesale | <br><br>0 - 139.35 square metres floor space - $100.00<br>(0 - 1500 square feet floor space)<br>139.36 - 464.50 square metres floor space - $200.00<br>(1501 - 5000 square feet floor space)<br>464.51 - 929.00 square metres floor space - $300.00<br>(5001 - 10000 square feet floor space)<br>Over 929.00 square metres floor space - $500.00<br>(Over 10000 square feet floor space) |
| Group D<br><br>Warehousing | <br><br>0 - 464.50 square metres of floor space - $100.00<br>(0-5000 square feet of floor space)<br>464.51 - 929.00 square metres floor space - $200.00<br>(5001 - 60000 square feet of floor space)<br>Over 929.00 square metres floor space - $300.00<br>(Over 10000 square feet of floor space) |

SCHEDULE "C" - FEES

| BUSINESS CLASSIFICATION | FEES PAYABLE |
|---|---|
| Amusement Arcade | $35.00 per machine |
| Amusement Establishment | $75.00 or $30.00 per day |
| Amusement Machine | $30.00 per machine |
| Apartment Buildings and/or House Rentals | $5.00 per unit |
| Auctioneer | Schedule "A" or $30.00 per day |
| Automobile Towing | $30.00 per vehicle |
| Banking Machines | $100.00 per machine or group of machines in one location |
| Banks | $500.00 |
| Bed & Breakfast | $75.00 plus $5.00 per guest room in excess of 3 |
| Bed & Breakfast Inn | $75.00 plus $5.00 per guest room |
| Bowling Alleys | $35.00 per lane |
| Cab Premises | Issued with company's first taxi or limousine licence at no charge |
| Campgrounds | $3.50 per available space |
| Cannabis Retail | $500.00 |
| Carnivals | $250.00 per day |
| Circus | $250.00 per day |
| City Centre Mall Exhibitors | $20.00/day, $50.00/week, $100.00/month |
| Dance Halls | $75.00 |
| Escort Agency | $2,000.00 |
| Escort, Sole Proprietor | $2,000.00 |
| Escort | $250.00 |
| Exhibition | $75.00 per day |
| Farmers Market | $75.00 |
| Fuel Sales – Bulk | $250.00 + $50.00 per key pump |

SCHEDULE "C" - FEES (Continued)

| BUSINESS CLASSIFICATION | FEES PAYABLE |
|---|---|
| Hotels - Motels | $5.00 per unit |
| Lease/Rental Auto | $5.00 per vehicle |
| Liquor Outlets | $500.00 per liquor outlet<br>("A", "C", "D", "F", "G" liquor licences) |
| Lodging Houses | $5.00 per unit |
| Mobile Food Vendor operating on private property | $100 per year |
| Mobile Food Vendor operating on private property and District of Kitimat property | $350 per year |
| Mobile Vendors and Mobile Stores | $75.00 per vehicle up to 5,000 kg<br>$100.00 per vehicle ≥ 5,000 kg |
| Public Utility Company | $500.00 |
| Radio or T.V. Broadcasting | $500.00 |
| Religious or Charitable Business | $30.00 |
| Restaurants (Licensed) | Schedule "B" fee plus $100.00 |
| Ride Sharing Vehicle | $500 per annum (unlimited Passenger Transportation Network Operators) |
| Rural Resort | $75.00 plus $5.00 per guest room or cabin |
| Theatres, Amusement Halls and Drive-In Theatres | 50¢ per seat or $25.00 per day<br>2 seats = 1 parking space |
| Taxi and Limousine | $75.00 per vehicle |
| Taxi and Limousine - with Class 3 authority (allows deliveries) | $100.00 per vehicle |
| Trailer and Manufactured Home Parks | $5.00 per serviced space |
| Vending Machines | $15.00 per machine |

PART 4 - LICENCES AND PERMITS
Division 2 - Shops Regulations

Subdivision 1 - Interpretation

4.2.1. 1. In this Division:

"Automobile Service Station" (hereinafter referred to as "service station") means any building, or portion of a building, booth, stall, gasoline pump, or place, where or by means of which gasoline is offered for sale or dispensed in sale, and the premises occupied or used in connection therewith, or any part of such premises and the area actually occupied by a gasoline pump or pumps;

"Automobile Service Garage" (hereinafter referred to as "garage") means any building, portion of a building or place where or by means of which repairs, servicing or equipping motor vehicles is carried on;

"Drug Store" means a premise where a Registered Pharmacist is on duty at all times during its business hours to fill a prescription of a person qualified by law to write a prescription, and where the principal business conducted on the premises is the sale at retail of prescriptions, proprietary or patent medicines, medical appliances and pharmaceutical products; and which may also offer for sale and sell any or all of:

- products for the cleansing or grooming of the person;
- candy, tobacco and smoking accessories;
- sunglasses, school supplies and stationery;
- records and tape recordings;
- toys, games and puzzles;
- cameras, films, photographic supplies and equipment;
- wine making supplies;
- pet foods, pet birds and fish, but not including animals;
- baby layette supplies, baby and infant wearing apparel, ladies hose and panty hose;
- gift items not retailing for more than $25.00 such as china, pottery, glassware, leather goods, bar supplies, but not including jewellery other than watches;

PART 4 - LICENCES AND PERMITS
Division 2 - Shops Regulations

Subdivision 1 - Interpretation (Continued)

4.2.1. 1. but where there is not any time offered or displayed for sale, or sold any article of:
- hardware;
- building materials;
- furniture;
- electrical supplies;
- automotive supplies and accessories;
- paint plumbing supplies;
- drapery goods;
- wearing apparel other than provided above;

"Grocery Store" means a grocery store as defined under Section 4.1.1. of the Code;

"Neighbourhood Shop" means any shop or store other than a Grocery Store located in an N6 Neighbourhood Centre area;

"City Centre Shop" means any shop located in a City Centre area;

"Service Centre Shop" means any shop located in an M2 area;

"Supermarket" means a large departmentalized retail shop operated on a self service cash-and-carry basis, selling food and other household merchandise.

Subdivision 2 - Penalty

4.2.2. 1. Every operator guilty of a breach of the provisions of this Division shall be liable upon conviction thereof to a fine not exceeding $50.00.

Subdivision 3 - Retail Shops

4.2.3. 1. All classes of shops as defined in 4.2.3.2. are completely exempt from the provision of Section 921 of the Local Government Act as amended.

2. Class

a. Automobile Dealers - shop where the principal or only trade or business carried on is the sale by retail of new or used automobiles, and/or the repair of vehicles.

PART 4 - LICENCES AND PERMITS
Division 2 - Shops Regulations

Subdivision 3 - Retail Shops (Continued)

4.2.3. 2. b. Automobile Supply Stores - shop where the principal or only trade or business carried on is the sale by retail of equipment or supplies for automobiles.

c. Bakery Stores - shop where the principal or only trade or business carried on is the sale by retail of bakery products.

d. Battery and Tire Shops - shop where the principal or only trade or business carried on is the sale by retail of automobile tires and batteries or either of them.

e. Book Stores - shop where the principal or only trade or business carried on is the sale by retail of books and magazines or either of them.

f. Builders' Supply Houses - shop where the principal or only trade or business carried on is the sale by retail of builders' supplies including lumber, hardware, bricks, cement, sand, gravel and miscellaneous items to be used in the construction, repair or alteration of buildings and associated structures.

g. Butcher Shops - shop where the principal or only trade or business carried on is the sale by retail of meats and poultry whether cooked or uncooked.

h. Children's Stores - shop where the principal or only trade or business carried on is the sale by retail of clothing or furnishings for children.

i. Clothing Stores - shop where the principal or only trade or business carried on is the sale by retail of clothing.

j. Confectionery Stores - shop where the principal or only trade or business carried on is the sale by retail of confectionery, including candies and chocolates.

k. Delicatessen Stores - shop where the principal or only trade or business carried on is the sale by retail of prepared foods, including cooked meats, preserves, pickles, relishes and salads.

l. Department Stores - shop where the principal or only trade or business carried on is that of a "Department Store" as defined by Part 4, Division 1 of the Code.

PART 4 - LICENCES AND PERMITS
Division 2 - Shops Regulations

Subdivision 3 - Retail Shops (Continued)

4.2.3. 2. m. Drug Stores - shop where the principal or only trade or business carried on is that of a "Drug Store" as defined by Part 4, Division 1 of the Code.

n. Dry Goods Stores - shop where the principal or only trade or business carried on is sale by retail of staples and fancy dry goods or either of them.

o. Drapery Shops - shop where the principal or only trade or business carried on is the sale by retail of draperies and curtains.

p. Electrical Appliance Stores - shop where the principal or only trade or business carried on is the sale by retail of electrical appliances and electrical fixtures or either of them.

q. Florist Shops - shop where the principal or only trade or business carried on is the sale by retail of flowers and florist supplies.

r. Furniture Stores - shop where the principal or only trade or business carried on is the sale by retail of new or used home furnishings, including furniture, carpets, carpeting and electrical appliances.

s. Grocery Stores - shop where the principal or only trade or business carried on is that of a "Grocery Store" as defined by Part 4, Division 1 of the Code.

t. Hairdressers' Shops - shop where the principal or only trade or business carried o is that of a hairdresser as defined in the Hairdressers Act, Revised Statutes of British Columbia, 1960, Chapter 169.

u. Hardware Stores - shop where the principal or only trade or business carried on is the sale by retail of hardware, including garden implements, electrical supplies, glass, crockery, and stoves.

PART 4 - LICENCES AND PERMITS
Division 2 - Shops Regulations

Subdivision 3 - Retail Stores (Continued)

4.2.3. 2. v. Implement Stores - shop where the principal or only trade or business carried on is the sale by retail of implements, including tools, power saws and parts, and air compressors and equipment.

w. Jewellery Stores - shop where the principal or only trade or business carried on is the sale by retail of jewellery, including watches and clocks.

x. Locksmith Shops - shop where the principal or only trade or business carried on is the sale of locks and keys.

y. Marine Sales Stores - shop where the principal or only trade or business carried on is the sale by retail of marine supplies, including boats, marine engines and ship chandlery.

z. Millinery Stores - shop where the principal or only trade or business carried on is the sale by retail of hats for women or girls.

aa. Motorcycle and Snowmobile Stores - shop where the principal or only trade or business carried on is the sale by retail of motorcycles, snowmobiles, including parts and equipment therefor.

bb. Music Stores - shop where the principal or only trade or business carried on is the sale by retail of radios, phonographs, tape recorders, records, musical instruments and sheet music, or any one of them.

cc. Office Supply Stores - shop where the principal or only trade or business carried on is the sale by retail of office supplies including office machines, office furniture and office stationery and supplies.

dd. Paint Stores - shop where the principal or only trade or business carried on is the sale by retail of decorating materials, including paint, varnish, paint solvents, tile, wall paper, and plastic decorating materials.

*Kitimat Municipal Code*, CONVENIENCE COPY. The District of Kitimat accepts no responsibility for errors or omissions in this consolidation. A CERTIFIED COPY is available from the Municipal Clerk, District of Kitimat.

PART 4 - LICENCES AND PERMITS
Division 2 - Shops Regulations

Subdivision 3 - Retail Stores (Continued)

4.2.3. 2. ee. Photographic Stores - shop where the principal or only trade or business carried on is the sale by retail of photographic equipment, including cameras, films, picture frames and photographs.

ff. Radio and Television Stores - shop where the principal or only trade or business carried on is the sale by retail of equipment and parts for radio and television sets.

gg. Second Hand Stores - shop where the principal or only trade or business carried on is the sale by retail of second hand or used goods.

hh. Sewing Machine Stores - shop where the principal or only trade or business carried on is the sale by retail of sewing machines, including parts and supplies therefore.

ii. Shoe Repair Shops - shop where the principal trade or business is the repairing or dying of shoes.

jj. Shoe Stores - shop where the principal or only trade or business carried on is the sale by retail of shoes or footwear.

kk. Souvenir Stores - shop where the principal trade or business carried on is the sale by retail of any one or more of the following items:

(1) curios
(2) gifts
(3) leather goods
(4) post cards
(5) printed books
(6) sewing notions
(7) souvenirs
(8) blankets and wool products
(9) chinaware

ll. Sporting Goods Stores - shop where the principal or only trade or business carried on is the sale by retail of goods and equipment for engaging in sports and recreational activities and including firearms and ammunition and bicycles.

PART 4 - LICENCES AND PERMITS
Division 2 - Shops Regulations

Subdivision 3 - Retail Stores (Continued)

4.2.3. 2. mm. Stationery Stores - shop where the principal or only trade or business carried on is the sale by retail of stationery for office or home.

nn. Super Markets - shop where the principal or only trade or business carried on is that of "Super Market" as defined by Part 4, Division 1 of the Code.

oo. Toy Stores - Shop where the principal or only trade or business carried on is the sale by retail of toys and games, or either of them.

pp. Hobby Shops - Shop where the principal or only trade or business carried on is the sale by retail of materials and supplies for or in connection with the carrying on by any person of a hobby or similar recreational pastime.

qq. Barber Shops - shop where the principal or only trade or business carried on is that of a barber as defined in the Barbers Act, Revised Statutes of British Columbia, 1960, Chapter 24.

rr. Wool Shops - shop where the principal or only trade or business carried on is the sale by retail of wool, needles, patterns and associated items.

PART 4 - LICENCES AND PERMITS
Division 3 - Soliciting Funds on Highways

Subdivision 1 - Permission Required

4.3.1. 1. No person shall use any highway in the municipality for the purpose of soliciting funds unless they have been first granted the privilege of using the highway on that specific date by the Chief Administrative Officer.

Subdivision 2 - Application for Soliciting Funds

4.3.2. 1. All applications for the privilege of using the highway for the purpose of soliciting funds shall be made to the Chief Administrative Officer by letter, at least thirty (30) days prior to the date upon which the applicant desires to use the highway.

Subdivision 3 - Applications for Community Projects

4.3.3. 1. Only applications for soliciting funds for Community Projects will be considered by the Chief Administrative Officer providing further that not more than eleven have been approved during the year and providing the proposed date is more than fourteen (14) days before or after the date of any other permit issued under this division.

Subdivision 4 - Permit Period

4.3.4. 1. All permits issued by the Chief Administrative Officer shall be for the period of one day, beginning at 8:30 a.m. and expiring at 6:00 p.m. unless otherwise specified on the permit.

Subdivision 5 - Record of Disbursement

4.3.5. 1. As a condition of receiving a permit the applicant will, within sixty (60) days after the day for which the permit was granted, submit a statement in writing to the Clerk showing a record of the disbursement of the funds solicited.

Subdivision 6 - Restrictions of Permit

4.3.6. 1. No person granted a permit to use a highway for the purpose of soliciting funds shall use those funds for any purpose other than that set out in his application for the permit.

Subdivision 7 - Penalties

4.3.7. 1. Any person, granted a permit by the Chief Administrative Officer under this division, found soliciting funds on business premises without first obtaining permission from the owner or operator of the business, shall at that time forfeit his permit.

PART 4 - LICENCES AND PERMITS
Division 3 - Soliciting Funds on Highways

Subdivision 8 - Notification of Organization

4.3.8. 1. No organization and no person shall solicit funds without displaying a sign or symbol to indicate the organization for whom the funds are solicited.

PART 4 - LICENCES AND PERMITS
Division 4 - Council Delegation of Liquor Licensing

Subdivision 1 - Interpretation

4.4.1 1. In this Division, unless the context otherwise requires:

"Delegate" means the License Inspector;

Subdivision 2 – Temporary Amendment Licences

4.4.2 1. As per section 40 of the *Liquor Control and Licensing Act*, Council authorizes the Delegate to provide comment on temporary amendment licences on behalf of the District of Kitimat.

2. Any applicant may appeal the comments and recommendation of the Delegate to Council.

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PART 5 - POLICE AND FIRE REGULATIONS
Division 1 - Fire Protection

Subdivision 1 – Interpretation

5.1.1. 1. Unless the context otherwise requires, all words and phrases in this Division shall be construed in accordance with the meaning assigned to them in the *Building Code*, the *Fire Services Act*, and the *Fire Code*.

Subdivision 2 - Definitions

5.1.2. "APPARATUS" means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.

"ASTTBC" means Applied Science Technologists and Technicians of British Columbia which is a self-governing, professional association pursuant to the *Applied Science Technologists and Technicians Act*, RSBC 1996, c 15.

"AUTOMATIC FIRE SPRINKLER SYSTEM" means all equipment forming part of or used in connection with a fire sprinkler system, including without limitation all heads, valves, piping, switches, sensors, relay equipment, and other accessories.

"BUILDING CODE" means the *British Columbia Building Code Regulation*, B.C. Reg 264/2012.

"BUILDING" means any Structure used or intended for supporting or sheltering any use or occupancy.

"CERTIFICATE OF QUALIFICATION" means a certificate issued by a provincial safety manager to an individual who provides evidence of knowledge and ability to do regulated work in a manner that meets the requirements under *the Safety Standards Act* S.B.C. 2003, c. 39, and which allows an individual to perform regulated work in British Columbia within the scope of the certificate.

"CHIEF ADMINISTRATIVE OFFICER" means the individual appointed by Council as the Chief Administrative Officer or who holds the position of Chief Administrative Officer of the Municipality, or his or her lawful deputy, assistant Chief Administrative Officer or Acting Chief Administrative Officer.

Subdivision 2 – Definitions (Continued)

5.1.2. "CONSTRUCTION" means any aspect of construction, including but not limited to alteration, erection, installation, demolition, repair, or renovation of any Building or Structure(s) within the Municipality.

"CONTACT PERSON" means a person designated by the Owner or Occupier of a Premises at which a Fire Alarm System of an Automatic Fire Sprinkler System is installed who is able to attend the Premises when the Fire Alarm System has been activated.

"DANGEROUS GOODS" means any product, substance or organism defined as a "dangerous good" pursuant to the *Transportation of Dangerous Goods Act*, 1992, S.C. 1992, c. 34 and its regulations.

. "FALSE ALARM" means the activation of a Fire Alarm System resulting in the direct or indirect notification of the Fire Department to attend the address of the Fire Alarm System and where a Member does not find any evidence of an Incident at that Premise.

"FIRE ALARM SYSTEM" means a device or devices installed and designed to issue a warning of a fire by activating an audible alarm signal and alerting a monitoring facility, but does not include a fire alarm or Smoke Alarm that is intended to alert only the Occupants of the Building or Suite in which it is installed.

"FIRE CHIEF" means the person appointed by the Chief Administrative Officer as head of the Fire Department and any other person authorized to act on behalf of that person.

"FIRE CODE" means the *British Columbia Fire Code Regulation*, BC Reg 263/2012.

"FIRE COMMISSIONER" means the person appointed by the Lieutenant Governor in Council to administer the *Fire Services Act*.

"FIRE DEPARTMENT" means the District of Kitimat Fire and Ambulance Service.

"FIRE EXTINGUISHER" means a fully charged and operable fire extinguisher suitable for use on Class A or B or C fires, as defined by the Canadian Underwriter's Association.

Subdivision 2 – Definitions (Continued)

5.1.2. "FIRE PIT" means a non-combustible receptacle constructed of cement, brick or metal.

"FIRE PROTECTION" means all aspects of fire safety, including but not limited to fire prevention, fire suppression, pre-fire planning, fire investigation, public education and information, and training or other staff development.

"FIRE PROTECTION TECHNICIAN" means a person certified by ASTTBC or other recognized certification agencies acceptable to the Fire Chief, to inspect and test Fire Safety Systems and:

a. For the purpose of inspecting, testing and maintenance of Fire Alarm Systems, the Fire Protection Technician must be either:
   i. A licensed electrical contractor in good standing with the BC Safety Authority; or
   ii. An individual holding a valid electrical Certification of Qualification, working under the holder of the facilities electrical operating permit.
b. For the purpose of inspecting, testing and maintenance of Automatic Fire Sprinkler Systems, the Fire Protection Technician must be an individual holding a valid Sprinkler Fitter Certificate of Qualification.

"FIRE SAFETY PLAN" means a set of emergency procedures and guidelines to be followed by the Occupants of a Building in the event of a fire and may include without limitation the location of utilities and emergency shutoffs for gas and water, and operational information of a Fire Safety System.

"FIRE SAFETY SYSTEM" includes without limitation, Fire Alarm Systems, Smoke Alarms, Automatic Fire Sprinkler Systems, special extinguishing systems, portable Fire Extinguishers, fire hydrants, water supplies for Fire Protection, standpipe and hose systems, and fixed pipe fire suppression systems in commercial cooking exhaust systems, smoke control measures and emergency power installations.

"FIRE SERVICES ACT" means the *Fire Services Act*, RSBC 1996, c 144.

Subdivision 2 – Definitions (Continued)

5.1.2. "FIRE WATCH" means the assignment of a person or persons to an area for the express purpose of notifying the Fire Department, the Occupants of a Premises or both of an emergency, preventing a fire from occurring, extinguishing small fires or protecting the public from fire or life safety dangers.

"HAZARDOUS PRODUCT" means any product, material or substance defined as a "hazardous product" or "controlled product" pursuant to the *Hazardous Products Act*, RSC, 1985, c H-3.

"INCIDENT" means an accident, occurrence or emergency and includes, but is not limited to, a fire, an explosion, a natural disaster, the escape or spill of Dangerous Goods or Hazardous Products, a transportation-related accident, and necessity rescue efforts or medical emergencies.

"INCIDENT RESPONSE" means all activities undertaken by the Fire Chief and Members to respond to an Incident.

"LIMITED FIRE SERVICE AREA" shall mean those lands that are for the development, construction, and operation of a liquefied natural gas production and export project facility, and/or smelting and production of aluminum. These lands are bounded East and South of Alcan Way, West of the Kitimat River, South of Ocelot Road, and North of the Northside of Hospital Beach and more particularly as legally described in Schedule A, which is attached hereto and forms part of this bylaw.

"LIMITED FIRE SERVICE PROTECTION STANDARDS" shall mean fire service provided as a secondary responder only and more particularly in a supportive role to already established site fire prevention and protection equipment and personnel.

"MEMBER" means any person appointed by the Fire Chief as a member of the Fire Department and who is an employee of the Municipality.

"OCCUPIER" includes the registered Owner and or any lessee, agent, tenant and licensee or any other person who has the right of access to and control of a Building or Premises.

Subdivision 2 – Definitions (Continued)

5.1.2. "OFFICER" means those Members of the Fire Department who are the Fire Chief, Deputy Fire Chief and Captains or those Members who are acting in the capacity as a supervisor or designated by the Fire Chief as an Officer.

"OFFICER IN COMMAND" means the most senior Officer in attendance at an Incident Response and in the event that no Officer is in attendance at an Incident Response, the most senior Member in attendance at that Incident Response.

"OPEN BURNING" means a fire in the open air but does not include the combustion of gas, propane, or charcoal in a barbecue or hibachi for the purpose of cooking food or where the products of combustion are conveyed to and disposed of by means of a chimney in a Structure constructed and maintained in accordance with the *Building Code*.

"ORDER" means an order from the Fire Chief requiring the correction or removal of any condition or thing in or about any Building or Structure or on a Premises which is in contravention of this bylaw and or the *Fire Code*.

"PREMISES" means the whole or part of a lot of real property and any Building or Structure or portion of a Building or Structure on the real property.

"PRIVATE HYDRANT" means a fire hydrant on private property or common property within a strata property.

"SMOKE ALARM" means a combined smoke detector and audible alarm device designed to sound an alarm within the room in which it is located upon detection of smoke within the room or Suite in which it is located upon the detection of smoke within that room or Suite.

"STRUCTURE" means a Construction or portion thereof, of any kind, whether fixed to, supported or sunk into land or water, except landscaping, fences, paving and retaining structures less than 1.22 metres in height.

Subdivision 2 – Definitions (Continued)

5.1.2. "SUITE" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes individual guest rooms in motels, Hotels, boarding houses, rooming houses and dormitories.

Subdivision 3 - Scope of the Department

5.1.3. 1. The Fire Department is hereby continued for the purpose of providing fire suppression, first medical response, fire inspections, fire investigations, public education, fire training, emergency management, and rescue services as set out in this bylaw.

Subdivision 4 - Jurisdiction of the Fire Department

5.1.4. 1. The Fire Department may take all necessary measures for the prevention, inspection, investigation, suppression, control and extinguishment of fires and for the protection of life and property, including rescue and hazmat awareness level operations and the administration of medical services for which all Members have been trained.

2. The limits of the jurisdiction of the Fire Chief and Members of the Fire Department will extend to the area and boundaries of the Municipality, and neither the Fire Chief nor Members shall supply fire-fighting services or respond to an Incident nor shall any Apparatus or equipment be used outside the boundaries of the Municipality without the consent of the other local government, a request for assistance pursuant to the *Emergency Program Act*, R.S.B.C. 1996, c. 111, or express authority pursuant to a written agreement between the Municipality and the other local government providing for the supply of fire-fighting, Incident Response or inspection services outside the municipal boundaries.

3. In the event a request for the deployment of road rescue services outside the Municipality, an emergency response task number from Emergency Management BC (EMBC) must be obtained prior to response.

Subdivision 5 - Appointment and Powers of the Fire Chief

5.1.5.

1. The Fire Chief, subject to guidance from the Chief Administrative Officer, shall establish rules and regulations, policies and committees necessary for the proper and efficient organization and administration of the Fire Department.

2. The Fire Chief, subject to guidance from the Chief Administrative Officer, shall establish rules and regulations, policies and committees necessary for the proper and efficient organization and administration of the Fire Department.

3. The Fire Chief shall be responsible for the management, control and supervision of the Fire Department, for all Members and discipline thereof, and for the care, custody and control of all property, Apparatus and equipment of the Fire Department.

4. The Fire Chief may appoint other Officers and Members as the Fire Chief deems necessary to the Kitimat Fire Department, subject to the approval of the Chief Administrative Officer.

5. The Fire Chief shall take responsibility for all Fire Protection matters, including the enforcement of applicable sections of the Fire Services Act and regulations thereunder, including the Fire Code, and shall assume the responsibilities of the Local Assistant to the Fire Commissioner under the *Fire Services Act*.

6. The Fire Chief may appoint or designate other Officers of the Fire Department to act as Fire Chief on his or her behalf and may, in writing, authorize Officers to exercise the powers of a Local Assistant to the Fire Commissioner under the *Fire Services Act.*

7. The Fire Chief shall report to Council through the Chief Administrative Officer on the operations of the Fire Department or on any other matter in the same manner.

8. Council authorizes the Fire Chief to exercise all the powers of the Fire Commissioner under Section 25 of the *Fire Services Act* and for these purposes that section applies.

Subdivision 6 - Responsibility of the Officers and Members

5.1.6.

1. The Deputy Fire Chief shall report to the Fire Chief and, in the absence of the Fire Chief, shall have the powers and shall perform the duties of the Fire Chief as directed or assigned.

2. Members shall assist the Fire Chief in carrying on the duties and responsibilities assigned to the Fire Department by Council, as set out in this bylaw or any applicable other bylaw, statute or regulation.

3. Members shall comply with the policies, procedures, rules and regulations of the Fire Department, and a Member that fails to comply with the policies, procedures, rules and regulations of the Fire Department may be subject to discipline as deemed appropriate and administered by the Fire Chief.

Subdivision 7 - Control, Direction and Management

5.1.7.

1. The Fire Chief, or in the absence of the Fire Chief the senior ranking Officer or Member present, shall have control, direction and management of all Fire Department Apparatus, equipment or manpower assigned to an Incident and, where a Member is in charge, that Member shall continue to act in that capacity until relieved by an Officer authorized to do so.

2. The Fire Chief and Members are authorized to enter onto property and into any Building, Structure or Premises, including those adjacent to an Incident, with or without Apparatus and equipment, to take measures to prevent and suppress fires or respond to some other form of Incident.

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Subdivision 8 - Powers of the Fire Chief and Members in Providing Incident Response

5.1.8. 1. For the purpose of providing an Incident Response:

a. The Fire Chief and the Officer in Command may issue an Order for the demolition or removal of all or part of a Building or Structure involved in, or in proximity to, an Incident if deemed necessary by the Fire Chief or Officer in Command to prevent or suppress a fire or to protect the public.
b. The Fire Chief and the Officer in Command may issue an Order for the evacuation of any Building or area where there is an emergency arising from a fire hazard, risk of explosion, or a panic.
c. The Fire Chief and the Officer in Command may establish one or more limited entry areas in the vicinity of an Incident and prohibit any person from entering such limited areas without proper authorization.
d. The Fire Chief and the Officer in Command at an Incident may commandeer privately owned equipment which he considers necessary to deal with an Incident.
e. The Fire Chief and the Officer in Command may obtain assistance from other officials of the District as deemed necessary.

Subdivision 9 - Conduct of Persons at an Incident

5.1.9. 1. A person at or near an Incident shall comply with the directions of the Fire Chief or Member and shall, upon request of a Member, provide information and assistance with respect to the Incident.

Subdivision 10 - Obstruction

5.1.10. 1. No person shall impede, hinder or obstruct the Fire Chief or a Member, or any person under the direction of the Fire Chief or Member, in providing Incident Response, and without limiting the generality of the foregoing, no person shall:

a. Obstruct or prevent entry to a Building, Structure or Premises where the Fire Chief or a Member has reasonable grounds to believe that an Incident exists.
b. Damage or destroy Fire Department Apparatuses or equipment.
c. Obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, fire hydrant cistern or body of water that may be utilized for firefighting purposes.
d. Drive a vehicle over any Fire Department Apparatus or equipment without permission from the Fire Chief or Officer in Command.
e. Falsely represent themselves as the Fire Chief or Member of the Fire Department or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

Subdivision 11 - Fire and Sprinkler Alarms

5.1.11. 1. An Occupier of a Building or Premises at which a Fire Alarm System or Automatic Fire Sprinkler System is installed must provide to the Fire Department and maintain a current list of three (3) Contact Persons who are available to receive telephone calls from the Fire Department in the event that a Fire Alarm System or an Automatic Fire Sprinkler System at the Occupier's Building or Premises is activated. When contacted, a Contact Person shall:

a. attend the address of the Building or Premises with the Fire Alarm System or Automatic Fire Sprinkler System within thirty (30) minutes of being requested to do so by the Fire Department;

Subdivision 11 - Fire and Sprinkler Alarms (Continued)

5.1.11 1.

b. provide the Fire Department access to the Building or Premises where the Fire Alarm System or Automatic Fire Sprinkler System has been activated; and
c. operate the Fire Alarm System and Automatic Fire Sprinkler System and take control of and secure the Building or Premises where the Fire Alarm System or an Automatic Fire Sprinkler System has been activated.

2. When a Fire Alarm System or an Automatic Fire Sprinkler System has been activated and none of the three designated Contact Persons for the Premises can be reached or are unable to attend the Building or Premises, the Fire Department will forcibly ender the Premises at which the Fire Alarm System or an Automatic Fire Sprinkler System is activated to suppress a fire or determine the cause of the alarm.

3. Where the Fire Department is unable to establish contact with any of the Contact Persons or none of the Contact Persons attend the Premises within thirty (30) minutes of being requested to do so by the Fire Department, the Fire Department will secure the Building or Premises or provide security or remain on standby until the Building or Premises can be secured. The Owner of the Building or Premises shall be liable to the Municipality for the cost of security or securing the Premises as set out in Schedule A of this bylaw.

4. No Occupier of any Building or Premises where there is a Fire Alarm System or an Automatic Fire Sprinkler System shall service, test, repair, adjust, alter, or install any parts or items of the Fire Alarm System or Automatic Fire Sprinkler System which might activate a False Alarm without first notifying the Fire Department and the alarm monitoring company. Upon completion of any work performed on Fire Alarm System or Automatic Fire Sprinkler System the Occupier shall complete a local test or send a test signal to the Fire Department or monitoring company to confirm the Fire Alarm System or Automatic Fire Sprinkler System has been returned to working order.

Subdivision 11 - Fire and Sprinkler Alarms (Continued)

5.1.11

5. An Occupier of a Building or Premises which has a Fire Alarm System or Automatic Sprinkler System shall notify the Fire Department immediately of a False Alarm.

6. An Owner of a Premises in respect of which more than three (3) False Alarms occur in any twelve (12) month period shall pay the fee prescribed in Schedule A to this bylaw for the attendance of the Fire Department.

Subdivision 12 - Inspections

5.1.12. 1. The Fire Chief and Members are authorized to enter onto property and inspect a Building, Structure or Premises to determine whether all regulations, prohibitions and requirements are being met in relation to any matter contained in this bylaw, the Fire Services Act and its regulations and the Fire Code.

2. The Fire Chief and Members are authorized to enter into or onto property and into any Building, Structure or Premises, with or without Apparatus and equipment, to inspect for conditions that may cause a fire, increase the danger of a fire, or increase the danger to persons or property from a fire.

Subdivision 13 - Orders

5.1.13. 1. In addition to the power to issue Orders pursuant to any other section of this bylaw, the Fire Chief and any Member authorized by the Fire Chief has the authority to issue one or more written Orders to an Occupier of a Premises requiring the Occupier to undertake any actions or remove or reduce any thing or condition that the Fire Chief or the Member authorized by the Fire Chief considers necessary to remove a fire hazard or reduce the danger of fire.

2. In addition to the power to issue an Order pursuant to any other section of this bylaw, and after inspection of a Premises, the Fire Chief or his designate may issue one or more written Orders to:

a. the Owner of the Premises to remove or destroy a Building or Structure on the Premises;
b. the Occupier of the Premises to repair the Premises;
c. the Occupier of the Premises to alter the use or occupancy of the Premises;
d. the Occupier of the Premises to remove or keep securely the combustible or explosive material or remedy flammable conditions on the Premises; and
e. the Occupier of the Premises to remove or take proper precautions against a fire hazard present at the Premises.

Subdivision 14 - Duration of an Order

5.1.14 1. An Order shall state a date by which the Order shall be carried out, which date may, in the discretion of the Fire Chief, be fixed having regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or damage to life and property.

Subdivision 15 - Appeal of an Order

5.1.15 1. A person to whom an Order has been issued pursuant to this bylaw may, before the expiration of forty-eight (48) hours after receipt of the Order, appeal to the Fire Chief, who shall review the Order and issue a written decision to either amend, revoke or confirm the Order or substitute another Order within five (5) days.

Subdivision 16 - Re-Inspection and Compliance with Orders

5.1.16

1. A person to whom an Order has been issued pursuant to this bylaw shall comply with the terms of the Order by the date specified in the Order.

2. If upon re-inspection the Occupier of a Premises has not complied with an Order, a fee may be charged for that re-inspection and each additional re-inspection. Failure for the Owner or Occupier to pay a fee imposed under this section will result in those costs being added to the property taxes of the Owner of the Premises subject to the Order.

3. If the person subject to an Order fails to comply with the terms of the Order, the Municipality may carry out the work required on the Premises subject to the Order at the sole cost and expense of the Owner of the Premises. The Municipality's costs may be collected in the same manner and with the same remedies as property taxes and if they are due and payable by December 31 and unpaid on that date, are deemed to be taxes in arrears.

Subdivision 17 - Inspection Reports

5.1.17

1. The Fire Chief may require information or the production of documents relevant to the Fire Safety System of a Building. Every person who is required under a provision of the *Fire Code* to perform or cause to be performed, annually or less frequently than annually, an inspection or test of a Fire Safety System or any component thereof shall ensure that:

    a. the inspection or test is performed by a Fire Protection Technician and in accordance with the *Fire Code*; and
    b. the inspection or test is recorded or the component of the Fire Safety System is tagged or labelled in accordance with the Fire Code and the rules, regulations and bylaws of the ASTTBC.

2. Every person who owns, controls or otherwise has charge of a Fire Safety System must notify the Fire Chief if at any time such system is inoperable or taken out of service and must notify the Fire Chief again once service is restored.

3. Every Fire Protection Technician who inspects or maintains Fire Safety Systems shall use the appropriate inspection/testing form approved by the ASTTBC and must forward a copy of the completed form upon completion of the inspection or maintenance to the Occupier of the Building. The Occupier shall provide a copy to the Fire Chief upon request.

4. The Occupier of every Building that is equipped with a Fire Safety System that is not continuously monitored shall ensure that at each manual fire alarm pull station a permanent sign is mounted that reads:

    LOCAL ALARM ONLY – IN CASE OF FIRE, DIAL 9-1-1

    The sign shall not be less than 50 mmm by 100 mm in size and be printed on permanent red on white or white on red plastic laminate or equivalent material.

5. The Occupier of a Building for which the Fire Safety System is tested and inspected under this section shall retain records of such tests inspections for 2 years or the interval between tests/inspections, whichever is greater.

Subdivision 18 - Fire Department Frequency of Inspections

5.1.18

1. The authority and duty of Council under the *Fire Services Act* to establish, revise and implement a regular system of inspections of hotels and public buildings in the Municipality shall be established by Council policy, and shall provide different frequencies of inspection depending on a Building's *Building Code* building classification, its use, age and fire risk assessment.

2. The Fire Chief may amend the frequency of inspection schedule from time to time.

3. The Fire Chief shall report to Council when requested by Council on the inspection system created and implemented under this section.

Subdivision 19 - Fire Hazard Regulations

5.1.19

1. Every Occupier of a Building shall submit to the Fire Chief a Fire Safety Plan on a form and diagram template acceptable to the Fire Chief.

2. Every Occupier of a Building shall review the Fire Safety Plan every year and submit all updates to the Fire Safety Plan to the Fire Chief.

3. No Occupier shall allow excessive growth of weeds, grass, vines or other growth which in the opinion of the Fire Chief creates a fire hazard or endangers any property.

Subdivision 20- Accumulation of Combustibles

5.1.20

1. No Occupier shall allow a Premises to accumulate noxious waste, yard and garden waste, land clearing debris or any other material that in the opinion of the Fire Chief creates a fire hazard.

Subdivision 21 - Outdoor Storage of Waste Containers

5.1.21 1. All containers used for the disposal, removal or storage of garbage, refuse, building debris, papers or combustibles for which the circumference or perimeter of the receptacle of the container is greater than 1.5 meters shall:

a. have lids kept closed at all times unless otherwise approved by the Fire Chief; and
b. not be located within
   i. five (5) metres of any combustible Building or Structure, unless stored within a non-combustible Structure or in a location approved by the Fire Chief; or
   ii. one (1) metre of any combustible Building or Structure unless the container is fabricated from non-combustible materials, with a secure self-closing lid and is not equipped with a hold-open device.

2. No person shall allow combustible waste material or garbage to remain longer than forty-eight (48) hours in any street, lane, alley or sidewalk located so as to constitute a fire hazard to any property.

Subdivision 22 - Open Air Burning

5.1.22 1. No person shall light, ignite, start, or maintain an Open Burning or any fire in any portable incinerator, outdoor fireplace, outdoor solid-fuel-combustion appliance, or other portable appliance or device in the open air for any purpose.

2. Despite section 5.1.22.1, a person may light, ignite, start or maintain an Open Burning if the fire is:

a. fueled by a propane heater;
b. a camp fire in a designated Fire Pit in Radley Park and Hirsch Creek Park;
c. a backyard fire for recreational purposes subject to the following provisions:
   i. the zoning designation of the Premises pursuant to Part 9 of the Code must allow for a Fire Pit;

Subdivision 22 - Open Air Burning (Continued)

5.1.22 2. c.

ii. fires must be contained in a Fire Pit that is a non-combustible receptacle constructed of cement, brick or metal;
iii. a maximum one Fire Pit per property;
iv. the Fire Pit shall be no larger than 1 meter in diameter in R1-A, R1-B, R1-C, R2-A and R2-B residential Zones (Single Family and Two Family Residential);
v. the Fire Pit shall be no larger than 1.5 meters in diameter in the G3, G3-A, G3-B, G4, G4-A and G5-A Zones (Small Holdings, Recreation, Rural Resort and Forestry Transitions);
vi. Fire Pits must be a minimum of 3 meters from any Building, Structure, fence or standing timber;
vii. only cut, seasoned wood, charcoal or commercially fabricated fire place logs shall be burned in a Fire Pit;
viii. all fires in a Fire Pit must be supervised at all times by a person at least 18 years old;
ix. at any time a fire is burning, extinguishment capabilities and resources must be in the immediate vicinity of the Fire Pit;
x. smoke from Fire Pits shall not create a nuisance to other properties; and
xi. any fire in a Fire Pit must be extinguished immediately if direction to extinguish the fire is given by a Member, RCMP Officer or a bylaw Officer of the Municipality; and

d. authorized by a permit issued by the Fire Chief.

3. No person shall light, ignite, start or maintain an Open Burning before 8:00 AM and every person shall completely extinguish an Open Burning by 11:00 PM.

4. Every person who lights, ignites, starts, or maintains an Open Burning permitted by this bylaw or a permit issued under this bylaw shall establish and maintain a Fire Watch.

Subdivision 22 - Open Air Burning (Continued)

5.1.22

5. If the Fire Chief is of the opinion that hazardous fire conditions or a health and safety hazard to the public exist or the Fire Chief deems it otherwise expedient to do so, the Fire Chief may issue a directive prohibiting some or all Open Burning permitted by this bylaw or a permit issued under this bylaw within the boundaries of the Municipality and may suspend or revoke any burning permit.

6. Every Owner who lights, ignites, starts or maintains or permits to be lit, ignited, started or maintained an Open Burning in contravention of this bylaw or a permit or directive of the Fire Chief issued pursuant to this bylaw shall be liable for all expenses incurred by the Fire Department to extinguish the Open Burning as a cost recovery fee as set out in Schedule A of this bylaw.

Subdivision 23 - Burning Permits

5.1.23

1. No person shall light, start, ignite or maintain a fire permitted under the *Environmental Management Act*, SBC 2003, c. 53 and the *Open Burning Smoke Control Regulation*, BC Reg 145/93 without a permit issued by the Fire Chief.

2. In issuing a permit under this section the Fire Chief may impose terms and conditions relating to fire safety concerning:

   a. the location of a fire;
   b. the dates and times a fire may be lit or maintained;
   c. the maximum area occupied by a fire;
   d. materials that may be burned in a fire;
   e. precautions to be taken in connection with a fire; and,
   f. the construction and supervision of a fire.

Subdivision 24 - Vacant and Fire Damaged Buildings

5.1.24 1. The Owner of an unoccupied Premises shall

a. keep the Premises free from debris and combustible materials; and,
b. in a manner approved by the Fire Chief or Officer, ensure that at all times all openings in any Building on the Premises are guarded or securely closed and fastened so as to prevent the entry of unauthorized persons.

2. If the Fire Chief or Member finds a Building that is not guarded or securely closed , the Fire Chief may issue an Order to the Owner of the Building to secure the Building against unauthorized entry.

3. If the Owner fails to secure the Building against unauthorized entry within forty-eight (48) hours of being directed to do so by the Fire Chief, or the Fire Chief is unable to contact the Owner within forty-eight (48) hours of finding the Building unsecured, the Fire Chief may carry out the work of securing the Building in a manner he deems appropriate at the sole cost and expense of the Owner, and if those cost go unpaid by December 31st in the year in which the Owner failed to take the required action, the costs will be added to and form part of the property taxes on the Owner's property.

Subdivision 25 - Commercial Cooking Equipment

5.1.25

1. Occupiers or persons in charge of a Premises that includes a commercial cooking facility shall ensure that the cooking equipment is maintained in accordance with the requirements of the Fire Code for commercial cooking equipment, including but not limited to ensuring that:

    a. hoods, grease removal devices, fans, ducts and other appurtenances of commercial kitchens are inspected on a weekly basis and cleaned as required to remove grease and other combustible residues; and
    b. all commercial kitchen exhaust systems are serviced and cleaned at least every six (6) months by a Fire Protection Technician.

2. Occupiers or persons using cooking equipment in fixed, mobile or temporary concessions, such as trucks, busses, trailers, pavilions, tents, or any form of roofed enclosure, shall comply with the requirements of the *Fire Code*.

Subdivision 26 - Fire & Emergency Service Access Requirements

5.1.26

1. Every Occupier of a Premises shall ensure that emergency access to all Buildings on the Premises remains clear and unobstructed for emergency vehicles at all times.

2. Every Occupier of a Premises on which Construction is occurring must ensure that emergency access routes are clear and unobstructed and have a surface condition suitable for use by emergency vehicles.

Subdivision 27 - Street Addressing of Buildings

5.1.27

1. Every Occupier of a residential Premises shall post the civic address of the Premises

    a. on the front of the exterior of the principal Building on the Premises;
    b. Subdivision 27 - Street Addressing of Buildings
    c. in such a position that the address is plainly visible from the street, road, fire lane or other right of way or easement; and
    d. in every case legible from a distance of fifteen (15) meters.

2. Every Occupier of a commercial or multi-family residential Premises shall post the civic address on the exterior of the Building in a position in which the address is clearly visible from the main road.

3. Multi-family units that have exterior entrances and share a common driveway shall have the addresses posted at the entry to the driveway.

Subdivision 28 - Fire Hydrants

5.1.28

1. Every Occupier shall maintain an area having a radius of one (1) meter around every fire hydrant or standpipe clear and unobstructed and every hydrant or standpipe shall be located in clear view from the roadway while being approached from either direction, in accordance with the requirements of the *Fire Code*.

2. No person shall open, interfere or tamper with any municipal fire hydrant unless that person has been duly authorized to do so by the Chief Administrative Officer.

Subdivision 29 - Private Hydrants

5.1.29

1. The Owner shall promptly remedy any deficiencies, damaged parts, or impairments found during an inspection or test in accordance with the maintenance requirements set out in the Fire Code. If such work is not carried out by the Owner, the Fire Chief may issue an Order that it be completed.

2. The Owner of a Private Hydrant shall ensure safe access to the Private Hydrant is maintained, and if the Owner fails to do so, the Fire Chief may issue an Order that the Owner do so.

3. The Owner of a Private Hydrant shall ensure that the requirements of National Fire Protection Association 25 “Impairments” are implemented when a Private Hydrant is removed from service either through preplanning or emergency impairment. If such work is not carried out by the Owner, the Fire Chief may issue an Order that it be completed.

Subdivision 30- Cost Recovery, Fees & Charges

5.1.30

1. The Municipality may recover the costs and expenses, as outlined in Schedule A, of providing Incident Responses and Fire Department services that are outside of the Council-mandated Fire Department duties and responsibilities.

Subdivision 31 – Filling of SCBA and SCUBA Air Cylinders

5.1.31

1. The District of Kitimat Fire Services will provide the filling of SCBA and SCUBA Air Cylinders as a service when operationally possible and per established policy and procedure.

2. The filling of these air cylinders is to be charged at the specified rate outlined in Schedule A.

**Schedule A to "Limited Fire Service Area"**

| Roll Number | PID | Legal Description | Notes |
|---|---|---|---|
| 15060000 | 004329627 | BK 1506 DL 73 R5C PL 6148 | |
| 50009000 | 004332041 | DL 5469 RANGE 5 COAST EXC PL 5906 & EPP41247 | |
| 50600100 | 004333021 | DL 6001 R5C | |
| 50600200 | 004333276 | DL 6002 R5C | |
| 50600300 | 004333519 | W 1/2 OF DL 6003 R5C | |
| 50600400 | 004334078 | DL 6004 R5C | |
| 50605000 | 004336887 | BK B DL 6050 R5C EXC PLS 5744 & 7123 | Limited Fire Service Area South of Alcan Way |
| 50605100 | 004336976 | DISTRICT LOT 6051 RANGE 5 COAST DISTRICT,EXCEPT THE NORTH 550 FEET AND EXCEPT PART IN PLAN EPP86969 | Limited Fire Service Area is East and South of Alcan Way |
| 50759500 | 004337069 | DL 7595 R5C | Limited Fire Service Area is East of Alcan Way |
| 50009000 | 004337191 | DL 7596 R5C | Limited Fire Service Area is East of Alcan Way |
| 50605800 | 0012877298 | DL 6058 R5C | |
| 50009000 | 0013061208 | DL 90 R 5 COAST EXC PL PRP14738 | Limited Fire Service Area is East of Alcan Way |
| 50009000 | 0013085352 | DL 91 R 5 COAST EXC PL PRP14738 | Limited Fire Service Area is East of Alcan Way |
| 50009000 | 0013085395 | DL 92 R5C | Limited Fire Service Area is East of Alcan Way |
| 50009000 | 0013085441 | DL 93 R 5 COAST | |
| 50009000 | 0013085522 | DL 96 R5C | |
| 50009000 | 0013085549 | DL 102A R5C | Limited Fire Service Area is East of Alcan Way |
| 50009000 | 0013085590 | DISTRICT LOT 186 RANGE 5 COAST DISTRICT EXCEPT PLANS EPP74151, EPP74154 AND EPP85558 | |
| 50018700 | 0013085638 | DL 187 R5C EXC PL 11524 | |
| 50600300 | 0013119621 | PCL A (SEE L361) OF DL 6003 R5C | |
| 15000004 | 0016334558 | L 1 DLS 981 5469 & 7940 R 5 COAST PL 12731 | |

| | | | |
|---|---|---|---|
| 50018705 | 0030237939 | L A DLS 6050 & 187 R 5 COAST DISTRICT PL EPP67347 | |
| 50009000 | 0030409055 | L 1 DL 186 R 5 COAST DISTRICT PL EPP74151 | |
| 50186000 | 0030473667 | L A DL 186 R 5 COAST DISTRICT PL EPP74154 | |
| 50009000 | 0030666961 | L 1 DLS 73 93 96 & 186 R 5 COAST DISTRICT PL EPP85558 | |
| 50009400 | 0013085484 | DL 94 RANGE 5 COAST DISTRICT | |

**Schedule A - Fire Department Fees**

| | |
|---|---|
| Fire Safety Inspections (outside of a regularly scheduled inspection) | $ 100.00 |
| False Alarm when 3 or more in previous 12 month period | $ 100.00 |
| Extinguish unlawful open-air fire or Open Burning | Actual cost |
| Securing premises | Actual cost |
| Re-inspection | Actual cost |
| Fulfill remedial action in Order | Actual Cost |
| Extraordinary Fire Department Services | Actual Cost |
| Filling of SCBA and SCUBA Air Cylinders | $30.00 per cylinder |
| Filling of “K” Air Cylinders | $40.00 per cylinder |

**Schedule “B”**

| Section | Kitimat Fire Department Municipal Bylaw infraction Charges | Charge |
|---|---|---|
| 5.1.9 | Failure to provide information | $ 500.00 |
| 5.1.9 | Failure to provide assistance at Incident | $ 500.00 |
| 5.1.9 | Failure to comply with directions at Incident | $ 500.00 |
| 5.1.10(a), (c) | Obstruct or impede Incident Response | $ 500.00 |
| 5.1.10(b), (d) | Damage or destroy Fire Department Apparatus or equipment | $ 500.00 |
| 5.1.10(e) | Impersonate Fire Chief of Member | $ 500.00 |
| 5.1.11.1 | Failure to provide list of Contact Persons | $ 500.00 |
| 5.1.11.1(a) | Failure of Contact Person to attend premises | $ 500.00 |
| 5.1.11.1(b) | Failure of Contact Person to provide access | $ 500.00 |
| 5.1.11.1(c) | Failure of Contact Person to operate alarm/sprinkler systems | $ 500.00 |
| 5.1.16.1 | Failure to carry out requirements of Order in accordance with terms of Order | $ 500.00 |
| 5.1.17.1(a) | Failure to ensure inspection/test of Fire Safety System Conducted by Fire Protection Technician | $ 500.00 |
| 5.1.17.1(b) | Failure to ensure inspection/test recorded or | $ 500.00 |

| | | |
|---|---|---|
| | In accordance with ASTTBC rules, regulations, bylaws | |
| 5.1.17.2 | Failure to notify Fire Department of disconnect/reconnect<br><br>Fire Safety System | $ 500.00 |
| 5.1.17.3 | Failure to provide inspection/test to Fire Chief | $ 500.00 |
| 5.1.17.4 | Failure to post sign in accordance with section | $ 500.00 |
| 5.1.17.5 | Failure to keep records | $ 500.00 |
| 5.1.19.1 | Failure to submit Fire Safety Plan on approved form | $ 500.00 |
| 5.1.19.2 | Failure to submit update to Fire Safety Plan | $ 500.00 |
| 5.1.19.3 | Allow vegetation that constitutes fire hazard | $ 250.00 |
| 5.1.20.1 | Allow accumulation of combustible materials that create<br><br>hazard | $ 250.00 |
| 5.1.21.1(a) | Waste receptacle lid not closed | $ 500.00 |
| 5.1.21.1(b) | Waste receptacle too close to Building | $ 500.00 |
| 5.1.21.2 | Permit waste on street for more than 48 hours | $ 250.00 |
| 5.1.22.1 | Open Burning | $ 250.00 |
| 5.1.22.3 | Open Burning outside authorized hours | $ 500.00 |
| 5.1.22.4 | Failure to establish or maintain Fire Watch | $ 500.00 |
| 5.1.22.5 | Open Air fire or Open Burning in contravention of<br><br>Fire Chief | $ 500.00 |
| 5.1.23.1 | Fire permitted under Environmental Management Act<br><br>Open Burning Regulation without permit | $ 500.00 |
| 5.1.25.1(a) | Failure to inspect components of commercial cooking<br><br>weekly | $ 500.00 |
| 5.1.25.1(b) | Failure to ensure commercial kitchen exhaust system<br><br>by Fire Protection Technician | $ 500.00 |
| 5.1.26.1 | Failure to ensure that emergency access unobstructed | $ 500.00 |
| 5.1.26.2 | Failure to ensure emergency access on construction site Unobstructed and capable of use by emergency vehicles | $ 500.00 |
| 5.1.27.1(a) | Failure to post civic address on the front of residence | $ 250.00 |
| 5.1.27.1(b) | Failure to post civic address in required position on | $ 250.00 |
| 5.1.27.1(c) | Civic address on residence not visible from 15 metres | $ 250.00 |
| 5.1.28.1 | Fire Hydrant obstructed | $ 500.00 |
| 5.1.28.2 | Tamper with Fire Hydrant | $ 500.00 |

PART 5 - POLICE AND FIRE REGULATIONS
Division 3 - Public Protection

Subdivision 1 - Firing of Firearms and Bows Prohibited

5.3.1. 1. No person shall fire a longbow, crossbow, gun, air gun, air rifle, air pistol, spring gun or other firearm within the District except:

a. police, persons in military service, or other authorized person, in the discharge of their duties;

b. as provided in Section 5.3.2., 5.3.3., or 5.3.4.; or

c. for the humane destruction of sick or injured animals.

Subdivision 2 - Duck Hunting

5.3.2. 1. During the open season for duck hunting under the provisions of provincial legislation, the firing of shotguns, with shot shells only, shall be permitted in the District in the following areas:

District Lot 94
District Lot 95
District Lot 471
District Lot 6001

provided that no person shall at any time fire a shotgun within 100 yards of any power or transmission line.

Subdivision 3 - Game Hunting

5.3.3. 1. During the open season for the hunting of game, the firing of longbows, crossbows, and firearms, in conjunction with all regulations, shall be permitted in that portion of the District lying to the south of the southern boundary of District Lot 309, Range 4, Coast District.

PART 5 - POLICE AND FIRE REGULATIONS
Division 3 - Public Protection

Subdivision 4 - Ranges

5.3.4. 1. The firing of longbows, crossbows, guns, and other firearms, may be permitted on shooting and target ranges as the Council by resolution designates and the Council may, in granting its permission, impose such conditions as it deems fit.

2. No person shall fire a gun, or other firearm on a shooting or target range designated by the Council under this Division unless a red flag, at least four feet in width by six feet in length, is prominently displayed at such range in public view at the time of firing.

Subdivision 5 - Dog Control Regulations

5.3.5. 1. Notwithstanding Subdivision 1, any person engaged in the enforcement of the Animal Control Regulations may use a tranquilizer gun for the purposes of such control.

PART 5 - POLICE AND FIRE REGULATIONS
Division 4 - Fireworks

Subdivision 1 - Sale and Purchase of Fireworks

5.4.1. 1. No person shall sell any fireworks to any person under the age of EIGHTEEN (18), except caps for a toy pistol.

Subdivision 2 - Possession of Fireworks

5.4.2. 1. No person under the age of EIGHTEEN (18) shall possess, fire, or set off fireworks within the municipality other than low hazard Class 7.2.1. fireworks for recreation such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers and Christmas crackers unless under adult supervision on private property.

Subdivision 3 - High Hazard Class Fireworks

5.4.3. 1. Notwithstanding the provisions of Section 5.4.2., high hazard Class 7.2.2. fireworks for recreation, such as rockets, serpents, shells, bombshells, tourbillons, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers, also known as "display fireworks" may be sold to and discharged by an organization or person conducting a public display for the purpose of the observance or celebration of a special event or festival provided that such organization or person holds a valid permit issued by the Fire Chief under the guidelines provided by the Fireworks Manual, Explosives Division, Government of Canada Publication as amended, and the Explosives Act R.S.C./E-15, as amended.

PART 5 - POLICE AND FIRE REGULATIONS
Division 4 - Fireworks

Subdivision 4 - Low Hazard Class Fireworks

5.4.4. 1. Low Hazard Class 7.2.1. fireworks for recreation such as showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, and sparklers may be sold at the following times:

a. New Year's, December 24 to December 31;

b. Canada Day, June 22 to July 1; and

c. Halloween, October 24 to October 31.

2. A person may discharge low hazard Class 7.2.1. fireworks for recreation at the following times:

a. New Year's, December 31 until 2:00 a.m. on January 1;

b. Canada Day, July 1; and

c. Halloween, October 31.

Notwithstanding 5.4.4.1. and 2. above, the Fire Chief may issue a permit to persons wishing to purchase low hazard class fireworks for special festive occasions. If approval is granted for a special festive occasion, all properties within 100 metres of the discharge property must have a notice delivered indicating the time and location of the fireworks display.

Subdivision 5 - Storage and Handling of Fireworks

5.4.5. 1. Up to 100 kilograms (220 lbs.) of low Class 7.2.1. fireworks may be stored in a container in a mercantile occupancy detached from any house. The container must comply with the following:

a. be a box or suitable container;

b. kept in a part of the premises away from goods of a flammable nature;

c. have a close fitting lid;

d. be kept securely closed and locked;

e. not be used for any other purpose or storage;

PART 5 - POLICE AND FIRE REGULATIONS
Division 4 - Fireworks

Subdivision 5 - Storage and Handling of Fireworks (Continued)

5.4.5. 1. f. the interior to be kept scrupulously clean; and

g. have the words "Class 7.2.1. Fireworks" on a contrasting background conspicuously displayed.

2. When low hazard Class 7.2.1. fireworks are displayed for sale during the period stated in Subdivision 5.4.4. they shall be displayed:

a. in lots that do not exceed 25 kilograms (55 lbs.);

b. aggregate lots shall not exceed 100 kilograms (220 lbs.);

c. in a package, glass case, or other suitable receptacle away from flammable goods; and

d. in places where they are not exposed to the sun's rays or excessive heat.

3. A person may, provided reasonable precautions are taken against accident, keep in their possession on their premises for private use and not for sale:

a. low hazard Class 7.2.1. fireworks not exceeding 10 kilograms (22 lbs.) that were sold him/her in accordance with this bylaw; and

b. any quantity of Christmas crackers or caps for toy pistols.

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

Subdivision 1 - Interpretation

5.5.1. 1. In this Division unless otherwise specified:

Bylaw No. 2031, 2023

**Animal** means any member of the animal kingdom, other than a human being, that is not considered wildlife in relation to the *Wildlife Act*, R.S.B.C. 1996, c. 488 and amendment thereto including animals listed under the most current regulation regarding S.9(1)(c) of the *Community Charter*, S.B.C. 2003, c. 26

**Animal Control Officer** shall mean the person(s), company or organization appointed from time to time by the District to ensure compliance with this Division of the *Municipal Code*

**Cat** shall mean any domesticated Animal of the feline species apparently over the age of FOUR (4) months

**Dangerous Animal** shall mean:

a. an Animal that has killed or seriously injured a person or Animal
b. an Animal which has a known tendency or disposition to attack humans or Animals without provocation
c. an Animal which has bitten, attacked or aggressively pursued a person or Animal without provocation
d. an Animal Control Officer has reasonable grounds to believe the Animal is likely to kill or seriously injure a person

**Dangerous Dog** shall mean:

a. a Dog that has killed or seriously injured a person or Animal
b. a Dog which has a known tendency or disposition to attack humans or Animals without provocation
c. a Dog which has bitten, attacked or aggressively pursued a person or Animal without provocation
d. an Animal Control Officer has reasonable grounds to believe the Dog is likely to kill or seriously injure a person

**Dog** shall mean any domesticated Animal of the canine species apparently over the age of FOUR (4) months

Bylaw No. 2031, 2023

**Guide Dog** shall mean a Dog as defined as a Guide Dog or Service Dog under the *Guide Dog and Service Dog Act,* 2015, c. 17 and amendments thereto (PART 5 - POLICE AND REGULATIONS, Division 5 - Animal Control, does not apply to 'Guide Dogs', except S. 5.5.2)

**Leash** shall mean a tether, strap or device, not exceeding two (2) metres in length, used to secure an Animal to a person

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

**Owner** shall mean any person over the age of 18, residing on the property where the animal is normally harboured, possessed or domiciled

**Owner of Record** shall mean the person or persons shown as the licensed owner on the District record

**Paved Roadway** shall mean the paved surface of any road or parking lot and shall include an area two (2) metres adjacent to the paved surface

**Paved Walkway** shall mean the paved surface of any walkway and shall include an area of two (2) metres adjacent to the paved surface

**Pound** shall mean the place or places designated by the District for the care and control of impounded animals

**Poundkeeper** shall mean any person or organization appointed by Council to operate the pound and includes the employees of the poundkeeper

Bylaw No. 2031, 2023

**Running at Large** shall mean an Animal not under control by being other than:

a. on the property of its Owner or of another person who has the care and control of the Animal; or
b. when in the District of Kitimat attached directly by a Leash to a person competent to control the Animal and to ensure the Animal does not break free; or
c. securely confined within an enclosure.

5.5.1.2 Nothing in this Division should be interpreted as attempting to regulate Wildlife as defined in the *Wildlife Act*, R.S.B.C. 1996, c. 488 and amendment thereto.

Subdivision 2 - Licences

5.5.2. 1. No person shall own, possess or harbour any Dog within the boundaries of the District unless a valid and subsisting licence has been issued by the District under this Division for such a Dog.

2. No Dog licence shall be issued to any person under the age of EIGHTEEN (18) years, unless such person provides the District with the written consent, from their parent or guardian; and any parent or guardian providing a written consent shall be deemed to be the Owner of Record of the Animal.

3. Every licence issued under this Division shall be for a specific Dog, and no person shall place, fix or use a licence issued in respect of one Dog on or for another Dog.

4. The Owner of a Dog for which a licence and corresponding licence tag have been issued under the division shall affix, and keep affixed, the licence tag on the Dog by a collar, harness, or

other suitable device except where the Owner has a certificate from a qualified veterinarian that the Dog cannot, due to sickness, injury or disease, comfortably wear a collar, harness or other suitable device.

5. On or before February 15th every Owner shall apply for a licence for that calendar year for each Dog. On being satisfied the application meets the provisions of this Division and on receiving the appropriate fee listed in Schedule "A" of this Division, the District shall issue a Dog licence and numbered Dog tag.

6. The District, upon being satisfied that the Dog has been acquired after February 15th, may prorate the purchase of the full licence fee by the number of full months remaining in the licence period, provided that in no event shall the licence fee be prorated to less than a THREE (3) month period.

7. Owners applying for licences for a spayed female Dog or neutered male Dog, shall provide proof to the satisfaction of the District that their Dog is in fact spayed or neutered.

8. The Owner of a licenced Dog shall, within thirty days of the Owner's change of address, notify the Poundkeeper of the change.

9. Where an Owner has a valid licence for a Dog from an area other than the District, upon surrender of that licence, a credit of one month for each month the surrendered licence remains in effect in the period January 1st to December 31st, will be given.

10. The District upon being satisfied that a tag issued has been lost or stolen, may issue a replacement tag on the payment of the fee listed in Schedule "A" of this Division.

11. All Dog licence fees payable under this Division are non-refundable.

Subdivision 3 - Impoundment

5.5.3. 1. Any Animal Running at Large or violating any portion of this Division commits offence and the animal may be impounded and/or the Owner may be prosecuted.

2. No person shall take an Animal into or otherwise allow any Animal to be within the fenced area of the Kitimat Municipal Cemetery.

3. No person shall tether or otherwise fasten an Animal in a public place.

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

4. No Animal shall be released from impoundment except to the Owner, or delegate, and until all provisions of this Division are complied with and all applicable charges, licence fees, board costs, damage costs and/or fines as specified in Schedule "A" are paid to the Poundkeeper.

5. Notwithstanding any other provision, a Dog may not be released from impoundment if it is judged by the District, Animal Control Officer, or Poundkeeper to be a Dangerous Dog and an application is made to the Provincial Court for an order that the Dangerous Dog be destroyed. A Dangerous Dog that is not the subject of an application to the Provincial Court for Destruction may be released back to the Owner of Record after a 21-day impoundment period or at an earlier time as the Animal Control Officer may determine, and after all payment of fees set out in the Schedule A.

6. When an Animal has been impounded, the Poundkeeper shall provide good and sufficient nourishment, shelter and attendance.

7. Where the Poundkeeper can determine from District licence records the Owner of Record of an impounded Animal, the Poundkeeper shall attempt to notify the Owner of Record by telephone of such impoundment.

8. a. All impounded Animals shall be kept for a maximum period of SEVENTY-TWO (72) hours, excluding Sundays and Statutory Holidays, or until released to the Owner Record or designate, whichever is shorter.

   b. After SEVENTY-TWO (72) hours, if unclaimed by the Owner or designate, ownership of the Animal will be with the District and the Animal may be destroyed, retained or ownership transferred; at the discretion of the District.

9. Any Animal may be destroyed at any time on the request of the Owner of Record or designate, or if the Animal is diseased or suffering.

10. The Owner of Record or Owner shall be responsible for all uncollected amounts in respect of an impounded Animal whether or not they effect the release of the Animal.

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

Subdivision 4 - Obstruction

5.5.4. 1. No person shall hinder, delay or obstruct any person lawfully engaged in the capturing or the taking to the Pound of any Animal under this Division and no person shall release, take or let out any Animal from the Pound, without the consent of the Poundkeeper.

Subdivision 5 - Nuisance

5.5.5. 1. The Owner of any Animal, or any person who is in possession of or harbouring any Animal which; by excessive barking, or howling or by chasing any person or Animal, or otherwise disturbs the quiet and peace of any person, shall be guilty of an infraction of this Division.

2. No Owner shall keep their Animal in such a manner that they, or their feces, are offensive to sight or smell.

3. The Owner or person in charge of any Animal shall remove immediately any feces defecated by the Animal from any private residential or commercial property unless the property is owned by the Owner or person in charge of the Animal and dispose of it in a sanitary manner.

4. The Owner or person in charge of any Animal, shall remove immediately any feces deposited by the Animal from publicly accessible areas of City Centre, Service Centre, Kildala Neighbourhood, Whitesail Neighbourhood, and Nechako Neighbourhood, and dispose of it in a sanitary manner.

5. No person may keep an animal unless the animal is provided with:

a. clean, potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and maintenance of normal body weight;

b. food and water receptacles kept clean and disinfected and located so as to avoid contamination by fecal matter;

c. the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be free from a fixed area and exercised regularly under appropriate control;

d. necessary veterinary medical care when the animal exhibits signs of pain or suffering;

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

e. no person may keep an animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter;

f. protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelters must provide sufficient space to allow the animal the ability to turn around freely and to easily stand, sit and lie in a normal position; and

g. no person shall willfully abandon an animal anywhere within the District of Kitimat

Subdivision 6 - Dangerous Dogs/Dangerous Animals

5.5.6. 1. An Animal Control Officer may designate a Dog as a Dangerous Dog if the Dog:
   a. Bites a human or Animal without provocation
   b. Has a known propensity, tendency or disposition to attack a human or Animal without provocation, or
   c. Has previously been designated as a Dangerous Dog and endangers the safety of a person or Animal.

2. After designating a Dog as a Dangerous Dog, an Animal Control Officer must inform the Owner of Record of the designation in writing and outlining the responsibilities of the Owner of Record of a Dangerous Dog and all fines and licensing fees that pertain to a Dangerous Dog.

3. No Owner of a Dangerous Dog/Dangerous Animal shall permit the Dangerous Dog/Dangerous Animal to be Running at Large in the District unless the Dangerous Dog/Dangerous Animal is kept on a Leash, tether or other suitable device not exceeding two (2) metres in length, is securely fitted with a humane basket muzzle that allows the Dog or Animal to pant and drink and so as to prevent the Dangerous Dog/Dangerous Animal from biting a person or Animal, and is under the immediate care and control of a competent person so as to prevent it from endangering the safety of any person or Animal.

4. The Owner of a Dangerous Dog/Dangerous Animal shall, at all times when the Animal is on the Owner's property, keep the Animal securely confined within a building or enclosure capable of preventing the Animal's escape and in any other manner as requested by the Animal Control Officer. The property Owner must affix a 'Dangerous Dog' or 'Dangerous Animal' sign to their fence or home where the Dog or Animal is kept, in a form as directed by the Animal Control Officer.

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

5. The Owner of a Dangerous Dog must

   a. On request of an Animal Control Officer allow them to photograph the Dog
   b. Within two (2) working days of moving to a new residence, provide an Animal Control Officer or Poundkeeper with the Owner's new address
   c. Within two (2) working days of selling or giving away the Dangerous Dog, provide an Animal Control Officer or the Poundkeeper with the name, address and telephone number of the new Owner.
   d. Within two working days of the death of the Dangerous Dog, provide an Animal Control Officer or the Poundkeeper with a veterinarian's certificate of the death, and
   e. Immediately advise an Animal Control Officer or the Poundkeeper if the Dangerous Dog is loose, or has bitten or attacked any person or Animal.

6. Failure to abide by any of the conditions of Subdivision 6 – Dangerous Dogs/Dangerous Animals are grounds for impoundment of the Dangerous Dog/Dangerous Animal.

Subdivision 7 - Number of Cats and Dogs

5.5.7.

1. No person shall keep, harbour or permit to remain on any dwelling in a residential zone more than FOUR (4) Dogs at any one time.

2. No person shall keep, harbour or permit to remain on any dwelling in a residential zone more than SIX (6) Cats at any one time

3. No person shall keep, harbour, or permit to remain on any dwelling in a residential zone at any one time an aggregate of more than SEVEN (7) Dogs and Cats.

Subdivision 8 - Spay or Neuter Requirements

5.5.8.

1. Without limiting the generality of the prohibition in the foregoing Section 5.5.3.1, no person shall permit a Cat or Dog to Running at Large if the Cat or Dog is not spayed or neutered.

2. Any Cat or Dog released under this section shall receive a certificate for a $100 reduction in the fees for a spay or neuter from participating veterinarians.

3. Every impounded Animal shall be considered to be unsterilized unless the Owner is able to provide evidence otherwise.

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

4. There are no exemptions from these requirements.

Subdivision 9 - Micro Chip Requirements

5.5.9. 1. Without limiting the generality of the prohibition in the foregoing Section 5.5.3.1, no person shall permit a Cat or Dog to be Running at Large if the Cat or Dog does not have an internal microchip for identification purposes.

2. If a fee is imposed under this section the Owner shall have the opportunity to receive a microchip inserted into the Cat or Dog by the Kitimat Community Humane Society at no additional cost.

Subdivision 10 – Off-Leash Dog Areas

Bylaw No. 2031, 2023 5.5.10 1. Unless otherwise noted in this Part, an Animal must be on Leash and under the care and control of its Owner or other person.

2. The following areas within the District of Kitimat are designated as off-Leash areas:
   a. Hirsch Creek Park and Hirsch Creek North Trail as shown in the attached Schedule B.
   b. Beach areas at Hirsch Creek Park.
   c. District of Kitimat's Off-Leash Dog Park (inside the fenced area) on Kuldo Boulevard shown in the attached Schedule C.
   d. Kildala Dike as shown in the attached Schedule D.
   e. Forest Avenue as shown in the attached Schedule E.

3. Notwithstanding section 5.5.10.2, all Animals must be under the care and control of its Owner or another person.

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

SCHEDULE "A"

FEES

DOG LICENCES

| | | |
|---|---|---|
| 1 | Neutered Male or Spayed Female | $15.00/yr. |
| 2 | Intact Dogs | $50.00/yr. |
| 3 | Guide Dogs | No Charge |
| 4 | Replacement of Lost Tag | $2.00 |
| 5 | Dangerous Dog | $300.00 |

IMPOUNDMENT OF ANIMALS NOT LABELED AS DANGEROUS

| | |
|---|---|
| 1st Impoundment | $30.00 |
| 2nd Impoundment within 24 calendar months of last impoundment | $60.00 |
| 3rd Impoundment within 24 calendar months of last impoundment | $100.00 |
| 4th Impoundment within 24 calendar months of last impoundment | $300.00 |
| 5th Impoundment within 24 calendar months of last impoundment | $500.00 |
| Additional Impoundment Fee for Unlicensed Dog | $30.00 |
| Additional Impoundment Fee for Animals not Spayed or Neutered | $100.00 |
| Additional Impoundment Fee for Animals without a Micro-Chip | $25.00 |

IMPOUNDMENT OF DANGEROUS DOGS/ANIMALS

| | |
|---|---|
| 1st Impoundment | $500.00 |
| 2nd Impoundment within 24 calendar months of last impoundment | $1,000.00 |
| 3rd Impoundment within 24 calendar months of last impoundment | $1,500.00 |
| 4th Impoundment within 24 calendar months of last impoundment | $2,000.00 |
| 5th Impoundment within 24 calendar months of last impoundment | $2,500.00 |
| Additional Impoundment Fee for Unlicensed Dangerous Dog | $100.00 |
| Additional Impoundment Fee for Animals not Spayed or Neutered | $500.00 |

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

| | |
|---|---|
| Additional Impoundment Fee for Animals without a Micro-Chip | $25.00 |

BOARD

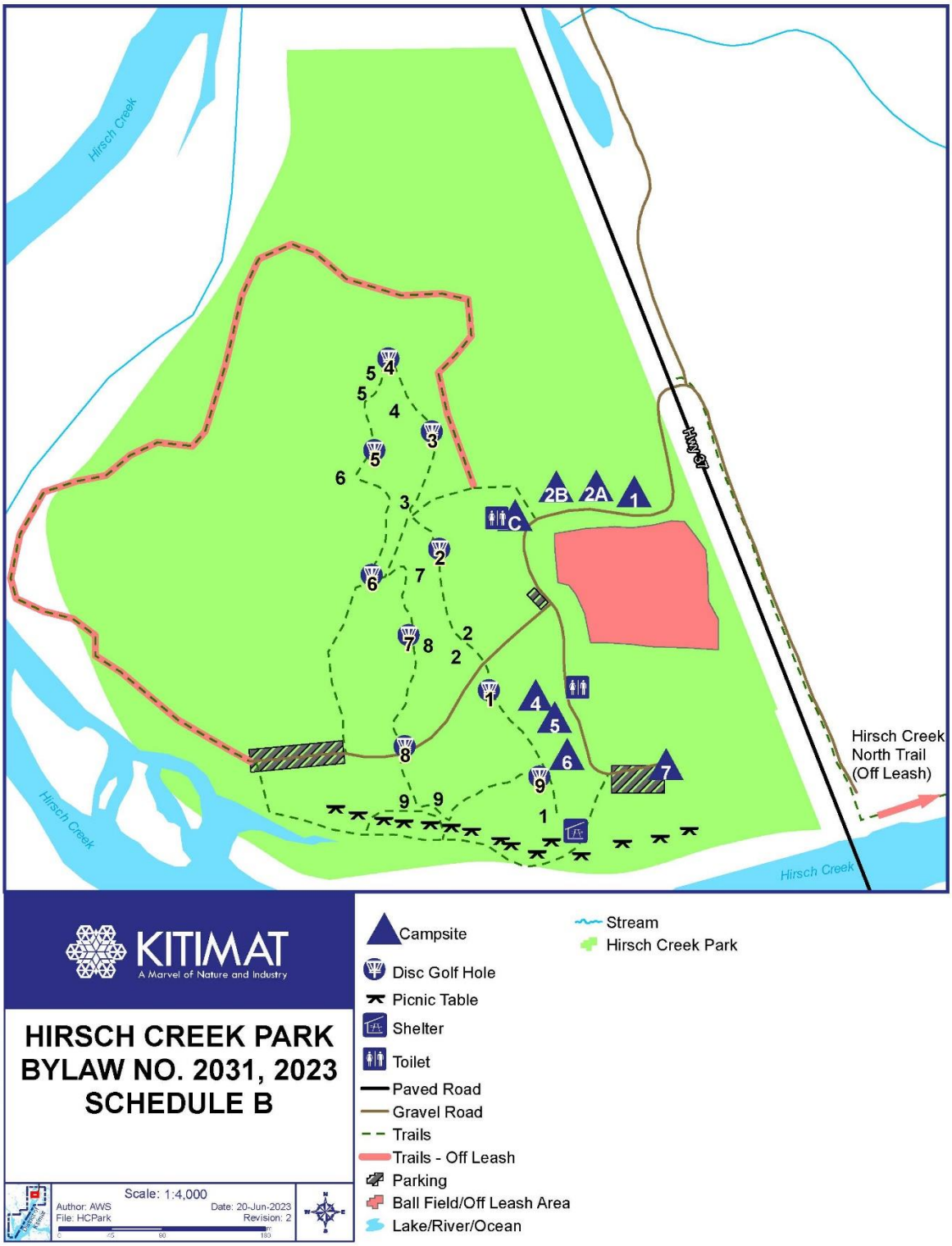
| | |
|---|---|
| Per Day | $10.00 |

DESTRUCTION

| | |
|---|---|
| Cats Under 2 Months | No Charge |
| Animal Under 10 lbs. | $3.00 |
| Animals from 10 to Under 50 lbs. | $5.00 |
| Animals Over 50 lbs. | $10.00 |

PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

Schedule “B” Bylaw No. 2031, 2023



PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

Schedule C

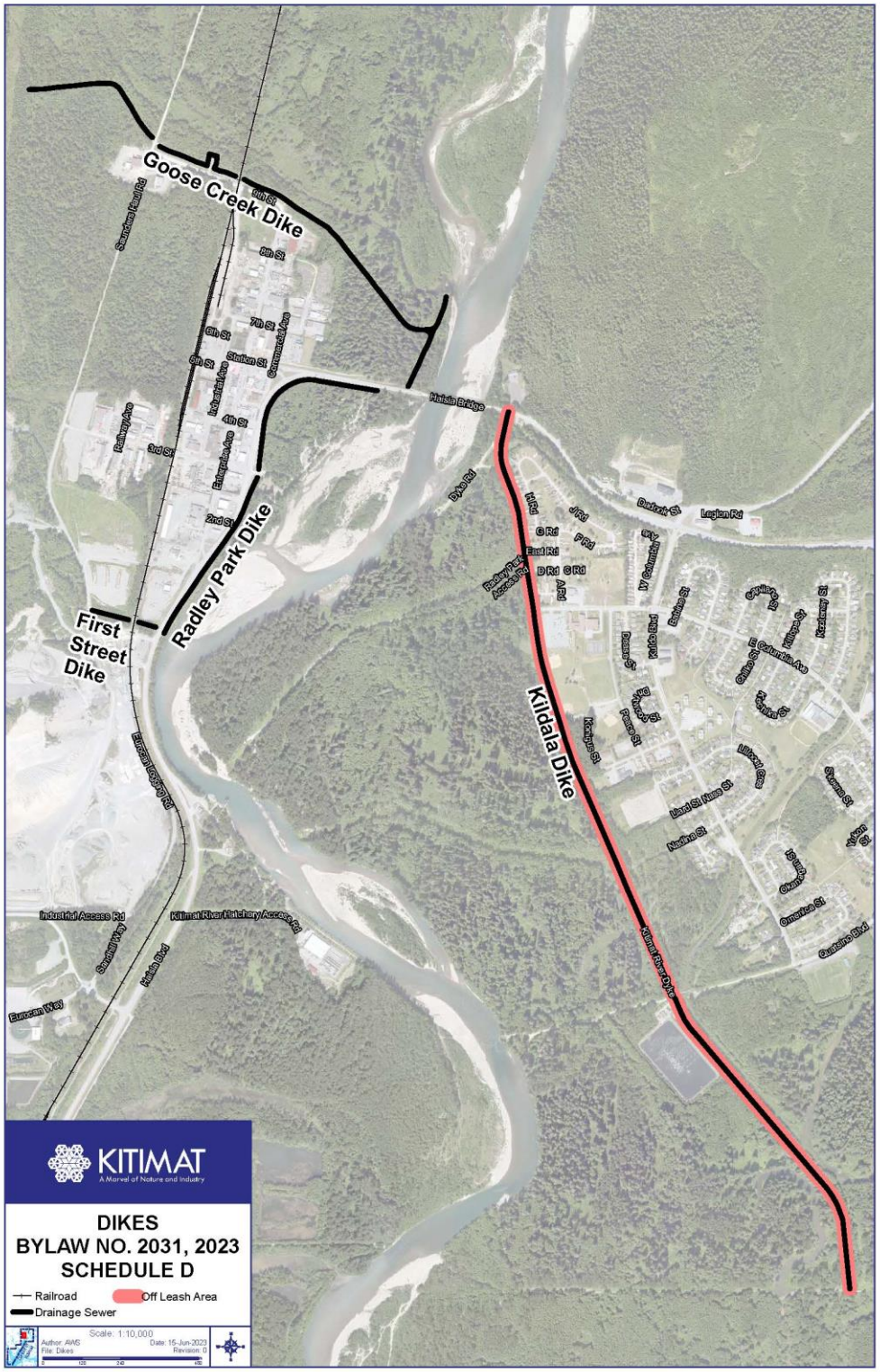
Bylaw No. 2031, 2023



PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

Schedule D

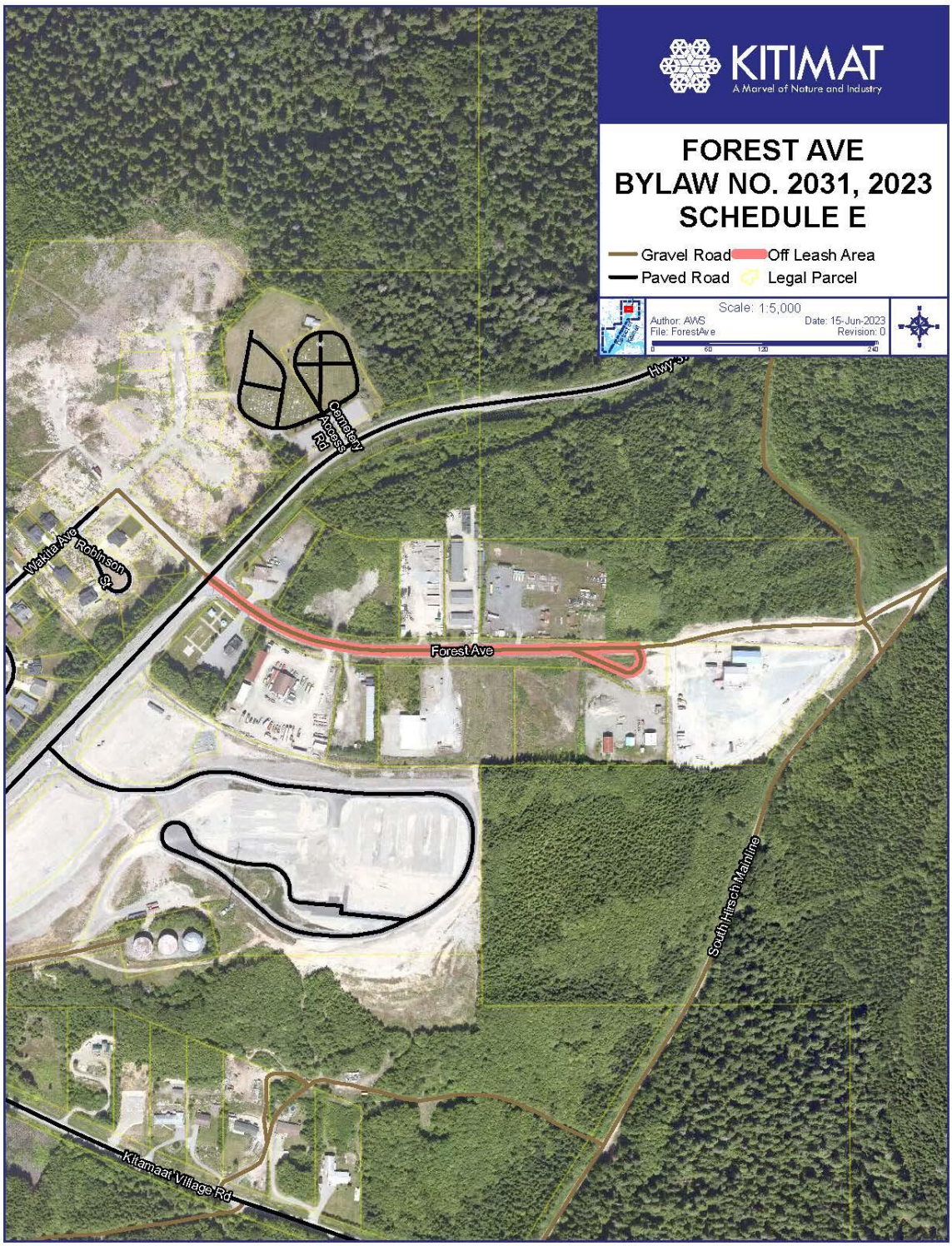
Bylaw No. 2031, 2023



PART 5 - POLICE AND FIRE REGULATIONS
Division 5 - Animal Control

Schedule E

Bylaw No. 2031, 2023



PART 5 - POLICE AND FIRE REGULATIONS
Division 6 - Vending Machines

Subdivision 1 - Regulations

5.6.1. 1. No person shall own, operate, have on his premises, use or play within the District, automatic vending machines for the vending of amusements of any kind except as provided in 5.6.1.2.

2. Automatic vending machines for the vending of amusements in which the element of skill is more than incidental, such as table shuffle-board, billiard table, hockey game, pistol and rifle aiming machines, but not including pin-ball machines, shall be exempted from the provisions of 5.6.1.1., providing the location of such machines shall be within the confines of a private chartered club and/or camp lounge.

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PART 5 - POLICE AND FIRE REGULATIONS
Division 7 - Service Levels

Subdivision 1 - Interpretation

5.7.1. 1. In this bylaw unless otherwise specified:

"Department" means the Kitimat Fire and Ambulance Services established under the Fire Protection Bylaw No. 1890, 2016;

"District" means the District of Kitimat.

"Exterior Operations Service Level" means the Service Level that includes firefighting activities restricted to the control and/or extinguishment of fire from a position external to the building or object in question, and outside of any Immediately Dangerous To Life Or Health (IDLH) environment;

"Fire Chief" means the individual who has been appointed as the fire chief of the District of Kitimat;

"Full Service Level" means the Service Level that includes activities that are undertaken by firefighters and officers trained in the full spectrum of Competencies outlined in the National Fire Protection Association 1001 Firefighter 2, Standard for Fire Fighter Professional Qualifications as well as the relevant competencies of National Fire Protection Association 1021 Standard for Fire Officer Professional Qualifications for officers;

"Interior Operations Service Level" means the Service Level that authorizes firefighting activities that include entry into structures and objects with the purpose of control and/or extinguishment of fire. This requires use of specialized protective equipment and procedures not covered by the training provided in relation to Exterior Operations Service Level;

"Member" means a firefighter in the Department and includes the Fire Chief and officers;

PART 5 - POLICE AND FIRE REGULATIONS
Division 7 - Service Levels

Subdivision 1 – Interpretation (Continued)

5.7.1.

"Playbook" means the mandatory minimum training standards set under paragraph 3(3)(b) of the Fire Services Act (B.C.) by the Office of the Fire Commissioner and approved by the Minister of Justice, entitled British Columbia Fire Service Minimum Training Standards: Structure Firefighters – Competency and Training Playbook (September 2014), as same may be amended, revised or replaced from time to time;

"Principal Responding Member" means those Members expected to undertake interior fire suppression and/or rescue operations;

"Service Level Policy" means this bylaw, as same may be amended from time to time by the District.

Subdivision 2 – Authority and Application

5.7.2. This Service Level Policy has been established by the District of Kitimat in accordance with the requirements of the Playbook, pursuant to the District's authority under the Establishment Bylaw. This Service Level Bylaw applies to and is binding on the Department and its Members. It shall form the basis of the Department's training of its Members and related operational planning for fire suppression and emergency response activities.

Subdivision 3 – Service Level Policy

5.7.3. The Department is authorized to provide fire suppression activities in accordance with and subject to the limitations set out in the Full Service Level.

Subdivision 4 – Training of Members

5.7.4. 1. The Department:

a. shall train its Principal Responding Members at least to the standard required by the Playbook for the Full Service Level; and

PART 5 - POLICE AND FIRE REGULATIONS
Division 7 - Service Levels

Subdivision 4 – Training of Members (Continued)

5.7.4. 1.

b. in relation to Members who are not trained to the Full Service Level, shall:

i. develop an incident scene accountability system which clearly identifies the different levels of each Member's training by use of specific and visually contrasting identification on their Personal Protective Equipment, that rapidly differentiates those personnel who are not designated as Principle Responding Members; and

ii. develop and institute operational guidelines which specify and limit the incident scene of activities of Members depending on their current level of training.

2. In consultation with the District, the Fire Chief shall be responsible for ensuring that the Department develops an appropriate training program for all positions, tasks and roles including those which are not expressly covered by the Playbook. This training program shall meet the requirements of the Playbook and the Workers Compensation Act (B.C.) and regulations made thereunder, and shall be consistent with good practices and industry standards.

Subdivision 5 – Operational Guidelines, Records and Compliance

5.7.5. 1. The Department shall"

a. develop appropriate operational guidelines implementing this Service Level Policy and the requirements of the Playbook, including operational guidelines:

i. which set out the conditions to be considered by an incident commander before an interior attack or rescue is undertaken; and

ii. which identify any hazards within the Department's fire suppression area in respect of which the Department will not undertake interior operations;

b. maintain accurate and complete records of the training of its Members, including any refresher training, certifications obtained and otherwise as required by the Workers Compensation Act (B.C.) and regulations thereunder, such that the training level of each Member can clearly be established; and

PART 5 - POLICE AND FIRE REGULATIONS
Division 7 - Service Levels

Subdivision 5 – Operational Guidelines, Records and Compliance (Continued)

5.7.5. 1.

c. report annually to the District on the Department's training program, the training levels of its Members and compliance with this Service Level Policy and the requirements of the Playbook.

Subdivision 6 – Limitations on Services Provided

5.7.6. Notwithstanding anything in this Service Level Policy:

a. in relation to any particular incident response, the Department shall undertake only those emergency response activities for which its responding Members at the incident are properly trained and equipped; and

b. the Fire Chief may determine to limit the fire suppression activities of the Department to the Exterior Operations Service level in circumstances where, because of turn-over in Members or for other reasons, in the Fire Chief's view the Department should suspend undertaking interior fire attack or rescue operations.

c. Where the Fire Chief has made a determination under Section 5.7.6, he or she shall immediately inform the District, including the reasons for the decision. The Fire Chief may elect to recommence providing Full Service Level Operations when he or she considers it warranted, and shall inform the District when making such decision.

Subdivision 7 – Policy Amendment

5.7.7. This Service Level Bylaw shall be reviewed annually by the District with the Fire Chief. It will be amended as determined appropriate by the District, or as required to conform with any changes to the Playbook or other applicable legislation or regulations.

Subdivision 8 – Limited Fire Service Protection

5.7.8. As the Limited Fire Service Area consists of major industry with its own specialized requirements and on site fire prevention and protection equipment and personnel and the District does not have sufficient equipment, personnel or financial resources to be the primary provider of fire services in such circumstances and areas, the District shall provide services only to the Limited Fire Service Protection Standards within the Limited Fire Service Area.

Part added by
Bylaw No. 2061, 2025
Feb. 3, 2025

PART 5 - POLICE AND FIRE REGULATIONS
Division 8 - Fire Training Grounds

Subdivision 1 - Interpretation

5.8.1.1. In this Division unless otherwise specified:

**Department** means the Kitimat Fire and Ambulance Service.

**District** means the District of Kitimat.

**Fire Chief** means the individual who has been appointed as the fire chief of the District of Kitimat, or their delegate.

**Fire Training Grounds** or **Fire Training Facility** means the land, structures, and other items located within the property boundary available for the purpose of fire training located at District Lot 1867, Range 5 Coast District (2200 Forest Avenue, Kitimat BC).

**Member** means a firefighter in the Department and includes the Fire Chief and officers.

**Safety Officer** means an individual responsible for ensuring the safety and welfare of personnel involved in training ground operations.

**Technician** means an individual that is responsible for organizing and overseeing live fire training exercises.

Subdivision 2 – Fire Training Grounds

5.8.2.1 The District of Kitimat has been granted the use of the Fire Training Grounds through a Lease with the Province of British Columbia.

Subdivision 3 – Use - General

5.8.3.1 A third party may request to use the Fire Training Grounds by completing the Fire Training Facility Agreement. The Agreement will be in a form established by the Fire Chief.

5.8.3.2 Training exercises held at the Fire Training Grounds will occur between the hours of 8:00 a.m. and 6:00 p.m. The Fire Chief may vary these times in their sole discretion.

5.8.3.3 The Fire Training Grounds are available to third parties at the sole discretion of the Fire Chief. The District has the right to refuse access or use to any party.

PART 5 - POLICE AND FIRE REGULATIONS
Division 8 - Fire Training Grounds

5.8.3.4 All non-District users must be accompanied by a member of the Department. It is at the sole discretion of the Fire Chief to determine the number and role of Department members during the use by non-District users.

5.8.3.5 Equipment, including hoses, gear, and breathing apparatus, will not be provided by the District.

5.8.3.6 Third Party Users must comply with the direction of the Fire Chief or Member.

5.8.3.7 No person shall enter onto the Fire Training Grounds unless accompanied by a Member of the Department.

Subdivision 3 – Fees

5.8.4.1 Unless otherwise stated, fees are calculated:

a) for a full day being eight (8) hours with one (1) hour for a lunch break. The eight (8) hours must be used on the same day during the hours established under section 6.8.3.2.

b) For a half day being four (4) hours. The four (4) hours must be used on the same day during the hours established under section 6.8.3.2.

5.8.4.2 The following fee schedule will be applied to the Fire Training Grounds:

| **Rental Schedule** | **Fee** |
|---|---|
| Training grounds/facilities - Technician rate (2024 rate) | $506/ half day |
| | $910/ day |
| Training grounds/facilities - Safety Officer rate (2024 rate) | $506/ half day |
| | $910/ day |
| Training room (includes AV equipment) (Fire Hall) | $ 375/ day |
| | $ 200 half day |
| High Angle | $ 375/ day |
| | $ 200/ half day |
| | $ 600/ day with classroom |
| Auto-extrication (includes 2 passenger vehicles, non-electric) (vehicle availability dependant) | $ 475/ day |
| | $ 300/ half day |
| | $ 600/ day with classroom |
| Rail Tank Car | $400/ day |
| | $200/ half day |
| Training Grounds (no use of equipment) | $ 400/ day |
| | $ 200/ day |

PART 5 - POLICE AND FIRE REGULATIONS
Division 8 - Fire Training Grounds

| | |
|---|---|
| Fire building (no technician required, i.e. no use of burn or smoke system) | $ 800/ day |
| | $ 400/ half day |
| Use of high angle facilities on burn building | $ 375/ day |
| | $ 200/ half day |
| Fire building live fire rates (includes class A and theatrical smoke, interior prop use, water hydrant and training yard use). | Fee table below |
| Dumpster Fire Prop | $375/ day |
| | $200/ half day |
| Electric Motor Fire Prop | $375/ day |
| | $200/ half day |
| Burn Tray Prop (without fuel) | $375/ day |
| | $200/ half day |
| Car Fire Prop | $375/ day |
| | $200/ half day |
| Additional vehicles for Auto Extrication (passenger car, non-electric, depending on availability) | $ 150 each |
| Fire Extinguishers (ABC / CO2) | $ 50 each |
| Re-winterization of hydrant | Actual Cost |
| Snow removal | Actual Cost |
| Administrative Fee | $100 per $1000 pre-tax rental cost |

Fire Building Live Fire Rates

| | **Fee** | |
|---|---|---|
| **Maximum 20 participants** | **Half Day** | **Full Day** |
| Technician (includes pre/post prep time) | $ 506 | $ 910 |
| Building | $ 800 | $ 1600 |
| **TOTAL** (without Safety Officer) | **$ 1306** | **$ 2510** |
| Incident Safety Officer | $ 506 | $ 910 |
| **TOTAL** (with Safety Officer) | **$1812** | **$3420** |

Fire Building – Theatrical Smoke Use only

| **Smoke Only** | **Half Day** | **Full Day** |
|---|---|---|
| Technician (includes pre/post prep time) | $ 506 | $ 910 |
| Building | $ 400 | $ 800 |
| **TOTAL** | **$ 1075** | **$ 2015** |

5.8.4.3 In addition to the fees noted above, a damage deposit of no more than 50% of the total rental cost (before taxes) may be requested by the Fire Chief and is payable at the time of booking.

PART 6 - PUBLIC UTILITIES
Division 1 - Power and Communication Services

Subdivision 1 - General Regulations

6.1.1 1. No person shall install, construct or erect any pole, conductor, cable, or any other associated structure connected with the distribution of power, light, telephone or television services, above the surface of the ground, except:

a. on land zoned: C5, C10, G3, G3-A, G3-B, G3-C, G4, G5, G5-A, G6-A, M1, M2, M3, or M4; or

b. where the facility to be constructed or installed is a transformer, switch assembly or like installation, which in the course of normal operations needs to be readily accessible for maintenance or adjustments; provided always that such facility be enclosed in a protective box, vault or kiosk; or

c. where the facility to be constructed or installed is a direct connection providing service to a private residence which abuts a highway or public walkway upon which above ground facilities have been installed prior to this being prohibited by the District;

d. to carry out emergency repairs upon existing facilities which have been damaged, provided that repairs shall include only such work as is necessary to return the facilities to a condition equivalent to their condition before the damage occurred;

e. for primary power conductors along those avenues and boulevards as indicated and shown on District of Kitimat Planning Department Drawing 6904-1, dated 12 August, 2003, which, with all explanatory matters on it, accompanies and is a part of this Subdivision; or

f. for a 900-pair telephone cable on Kuldo Boulevard from Columbia to the Kildala drainage channel, to be installed in 1999 on the existing power poles and includes two overhead anchor poles near Dease Street.

PART 6 - PUBLIC UTILITIES
Division 2 - Water Supply

Subdivision 1 - Owner to Comply

6.2.1. 1. Every owner of premises within the District shall, if such premises are to be supplied or are supplied with water from the municipal waterworks system, install, place and maintain in such premises water service connections, fixtures and other apparatus in accordance with the requirements of this Division.

Subdivision 2 - Disposition of Water

6.2.2. 1. No person being an owner, occupant, tenant, or inmate of premises supplied with water by the municipality, shall sell or give away such water, or otherwise dispose of the same for other than his own use or benefit, nor shall he permit such water to be carried or taken away from the premises.

Subdivision 3 - Interference with System

6.2.3. 1. No person shall make any connections to, or in any way interfere or tamper with any pipe, hydrant, stop-cock, valve, fixture, or other apparatus of the municipal waterworks system unless he has been duly authorized by the Chief Administrative Officer.

Subdivision 4 - Fire Hydrants

6.2.4. 1. No person shall obstruct the access to any municipal fire hydrant by placing around or thereon any stone, brick, lumber, dirt, or other material.

2. No person shall open, interfere or tamper with any municipal fire hydrant unless he has been duly authorized by the Chief Administrative Officer.

Subdivision 5 - Inspection of Premises

6.2.5. 1. Every person to whom water is supplied under this Division shall at all reasonable times allow, suffer and permit the Municipal Engineer, or any person authorized for such purpose, either generally or in a particular instance, to enter into and upon the premises in respect of which such water is supplied, for the purpose of inspecting the same, and the water pipes, connections, fixtures, taps, meters and other apparatus used in connection with such water supply, and to carry into effect the provisions of this Division.

Subdivision 6 - Temporary Discontinuance

6.2.6. 1. The municipality may temporarily discontinue the supply of water to any premises for the purposes of extension, maintenance, and repair of the municipal waterworks system.

Subdivision 7 - Vacating of Premises

6.2.7. 1. When a house is vacated, the stop-cock on the inside of the building shall be turned off by the party leaving the house, or by the owner.

Subdivision 8 - Violation by Owner

6.2.8. 1. In the case of any continuing violation of the provisions of this Division, the Chief Administrative Officer may cause the disconnecting of the service pipe to, and withhold the supply of water from the premises where such violation occurs until there is full compliance with the provisions of this Division.

2. Whenever a service connection has been disconnected in accordance with the provisions herein, the cost of such disconnection together with the cost of reconnecting shall be charged to the owner of the property for which such work has been performed.

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PART 6 - PUBLIC UTILITIES
Division 3 - Water Service Connections

Subdivision 1 - Owner May Apply

6.3.1. 1. The owner of any premises in the District who desires to be serviced with water from the municipal waterworks system may make application to the municipality for the installation of a water service connection.

Subdivision 2 - Application

6.3.2. 1. Every such application shall:

a. be made by the owner, or his authorized agent, in writing at the Collector's office on the form provided by the municipality;

b. contain a full and correct statement of the size and description of the premises, the purpose for which water is required and all other information which the Collector may require to estimate the rates chargeable or the amount of water to be supplied;

c. contain an agreement to pay the municipality for all water supplied at such rates as may be from time to time in force;

d. contain a covenant by the applicant that the applicant will protect and save harmless the municipality from all claims, demands, costs, and charges of whatsoever kind arising out of or in any manner incident to or caused by any of the pipes used for the supply of water pursuant to the application;

e. contain a covenant by the applicant that he will comply with all the requirements of this Division from time to time in force;

f. be signed by the applicant; and

g. be accompanied by a payment to the Collector of the applicable charges at the following rates:

1) Application Fee $ 50.00

Subdivision 2 – Application (continued)

2) Fees for all water service connections from the water main to property line shall be based on actual costs plus 15% administration charges.

Before any work is begun, applicants shall sign a third party work order on the form provided by the municipality. The Municipal Engineer will provide an estimate of the installation costs.

Regardless of the estimated costs, the applicant shall pay the final costs (actual costs plus 15% administration charges).

If the estimated cost exceeds $18,000.00, the property owner is free to obtain a price from another source to replace their existing water service or install a new service, as approved by the Municipal Engineer. If the property owner chooses to proceed in this manner a third party work order shall be signed by the owner or his/her representative to cover costs of the municipality providing main valve operation, traffic control, materials, main tapping, inspection and any other associated costs. The charge to the owner will be based on actual costs plus 15% administration costs.

3) Hook-up charge for the municipality to connect private water service lines 3/4" (19mm) to 2" (50mm) to the municipal water system at the property line: $50.00.

Where more than one visit to site is required by the property owner or his/her representative, the charge shall be $50.00 per trip.

3) For service sizes greater than 2" (50mm), hook-up charges will be based on actual costs incurred by the municipality plus 15% administration charge. A third party work order shall be signed by the property owner or his/her representative.

Subdivision 3 - Collector

6.3.3. 1. Upon completion of an application under the immediately preceding section, the Collector shall forward a copy of such application to the Municipal Engineer.

Subdivision 4 - Municipality to Install Connection

6.3.4. 1. The Municipal Engineer, upon receipt of a copy of the application and having satisfied himself that the service is necessary, will undertake to have the municipality install the service as soon as possible.

Subdivision 5 - Service Restrictions

6.3.5. 1. The Municipal Engineer shall in every case determine the size of the pipe to be used in supplying any premises and also the position in the street in which it is to be placed and no work of any kind connected with such service shall be permitted to be done on or under the streets by any person other than an employee of the municipality or by a duly authorized contractor.

2. The Municipal Engineer may limit the number of water service connections between any municipal water main and any separate premises.

3. No service connection will be allowed from the municipal water mains to any premises supplied by water from any other source unless special permission is given by the Municipal Engineer, which special permission may be terminated at any time, if in the judgement of the Municipal Engineer the public interest would be best served.

Subdivision 6 - Owner's Installation

6.3.6. 1. All water service pipes in any premises shall be laid at a depth of not less than 1.2 metres or such greater depth as may be determined by the Municipal Engineer, below the surface of the ground and must be laid in such manner as to be protected from frost.

2. Where such pipes cross under or near other excavation, the pipes must be properly protected against settlement.

3. Each service pipe shall be provided with a cut-off, or stop and waste tap, of a pattern to be approved by the Municipal Engineer, which shall be placed immediately inside the outer wall of the premises supplied, for the use of the owner or occupant of the premises in case of leaky or defective pipes or fixtures, or in cases where the premises are vacated.

4. A pressure reducing valve shall be installed by the owner on the water service of every building used by one or more persons as a residence or place in which to work or carry on any occupation, trade, or calling, when the static pressure of the street main in proximity to the building amounts to or exceeds 414 KiloPascals (60 psi), provided that this Subdivision shall not apply to premises where the total service does not exceed one cold supply tap.

Subdivision 7 - Fire Protection Services

6.3.7. 1. Service for fire protection shall be fitted with such fixtures only as are needed for fire protection and entirely disconnected from services used for other purposes.

Subdivision 8 - Responsibility

6.3.8. 1. No person shall wilfully waste water supplied to any premises from the municipal waterworks system.

2. No person shall use water on his premises for purposes other than those specified in the application for municipal water service to such premises.

3. No water shall be used through fire protection services or fixtures for any purpose except for extinguishing of fires.

4. Every owner shall keep his water service pipe, stop-cocks, and other water service fixtures on his premises, in good order and repair, and protect them from frost.

5. No person shall wilfully allow water to be wasted by imperfect or leaking stops, valves, pipes, water closets, faucets, or other fixtures or to use water closets without self-closing valves.

6. No person shall use water contrary to the order of the Chief Administrative Officer, and the Chief Administrative Officer may order the supply of water to be stopped or he may limit or restrict the use of water to certain designated hours and such hours may vary for different areas, provided however that before so regulating or restricting the use of water the Chief Administrative Officer shall cause a notice thereof to be published in at least one issue of a local newspaper or news sheet circulated within the municipality or alternatively cause notice thereof to be given by sound.

Subdivision 9 - Faulty Works

6.3.9.

1. In the case of leaky or improper pipes, or imperfect fixtures, meters or indicators on any premises the Municipal Engineer, after due notification to the occupant or owner, and the necessary repairs or alterations not being made by such occupant or owner within FORTY-EIGHT (48) hours thereafter, or where the conditions of such pipes or fixtures shall be such as to cause a waste of water or damage to property, then, without notice, shall have authority to cut off the supply of water by shutting the curb-cock or by detaching the service pipe from the main.

2. Before the water is turned on again, such pipes, fixtures, meters or indicators shall be repaired or altered to the satisfaction of the Municipal Engineer.

3. The charge for disconnecting or re-connecting, or for turning off or on the water, as specified in this Division shall be paid by the person owning the premises.

4. No person whose supply of water is cut off under this Division shall have any claim against the municipality by reason of such action.

PART 6 - PUBLIC UTILITIES
Division 4 - Water Meters

Subdivision 1 - Meters When Required

6.4.1. 1. Water meters shall be installed and used in all premises supplied with water by the municipality except in single family, two family, and terrace dwellings, provided that the Council may by resolution require the installation and use of a water meter in any of the premises so excepted.

Subdivision 2 - Meters Supplied by Municipality

6.4.2. 1. Water meters required under the foregoing Subdivision shall be supplied and installed by the municipality.

2. Water meters and materials provided by the municipality are and shall remain the property of the municipality, who shall maintain, repair or replace the same.

3. If such municipal property is damaged or destroyed the owner in or on whose premises the same has been placed shall pay to the municipality the value of the property so damaged or destroyed, or the cost of repairing the same.

Subdivision 3 - Owner to Afford Facilities

6.4.3. 1. Every owner, tenant and occupant of any premises shall give every reasonable facility for the introduction, installation, protection and maintenance of water meters and related equipment required on his premises.

2. Every owner, tenant, and occupant of premises where a water meter is required shall provide and maintain an adequate and convenient passageway to such water meter and shall keep such passage-way reasonably accessible at all times for the reading, repairing, or removal of such meter.

Subdivision 4 - Meter Out of Order

6.4.4. 1. If a meter is blocked or becomes otherwise out of order, and fails to register the full quarterly amount of water supplied or indicates that no water has been used, the Collector shall charge and collect the same water rates based on an estimate of the water used.

2. The rate so charged shall be an average flat rate based upon the previous six months' account paid in respect to water supplied to the premises against which such meter has been placed.

Subdivision 5 - Tampering

6.4.5. 1. No person, unless he has first received the prior authority of the Municipal Engineer, shall interfere or tamper with any water meter or pipe leading to such meter.

Subdivision 6 – Bulk Water

6.4.6.1 No person may withdraw bulk water from unmetered location unless approved by the Municipal Engineer

6.4.6.2 All bulk water supply shall be provided at the Water Supply Stations authorized by the District of Kitimat and by;

a. Opening a bulk water account with the District of Kitimat by completion of the application form.
b. Pre-paying for water volumes at the rate set at in 6.5.4.1

PART 6 - PUBLIC UTILITIES
Division 5 - Rates

Subdivision 1 - Charge Payable

6.5.1. 1. Every owner of premises within the District served by the municipal waterworks system shall pay to the municipality a charge at the flat rate set out in this Division unless such owner is required by the municipality to have a water meter in which case a charge on the meter rates set out in this Division shall be payable.

Subdivision 2 - Credit to Consumer

6.5.2. 1. When a consumer changes from a flat rate account to a meter rate account, credit shall be allowed to the consumer on a meter rate account for the balance of the flat rate, proportionate to the unexpired portion of the time covered by the flat rate payment, and the balance of the meter rate will be payable from the time such meter is installed, whether during any period already paid for by the flat rate or not.

Subdivision 3 - Discontinuing Use

6.5.3. 1. Any person who is about to vacate any premises that have been supplied with water from the municipal waterworks system, and who is desirous of discontinuing the use thereof shall give written notice of same to the Collector, and in default thereof, the rates therefore will be charged until such notice is given or the water turned off.

2. No credit or rebate of any rates or charges paid or payable will be granted or allowed unless such application shall have been made and the said water service shall have been shut off for a period in excess of THIRTY (30) days.

3. All such applications either for the turning off or on of water to any premises shall be made in writing to the Collector not less than 24 hours before the same is required, and in such form as may be prescribed.

Subdivision 4 - Rates and Charges

Bylaw No. 2064,2025

6.5.4. 1. The rates and charges payable by the owner of any premises within the District under this Division shall be:

PART 6 - PUBLIC UTILITIES
Division 5 - Rates

Subdivision 4 - Rates and Charges (Continued)

| Residential Billings | | | | |
|---|---|---|---|---|
| Unit Serviced | Rate or Charge | Rate or Charge as of July 1, 2025 | Rate or Charge as of January 1, 2026 | Method of Billing |
| Residential premises excluding manufactured homes and trailers in manufactured home parks | $164 per year per dwelling unit | $184.50 per year per dwelling unit | $205.00 per year per dwelling unit. | Annual Tax Notice. If not receiving annual tax notice - pay prorated charges at the time of application for water turn-on. (e.g. new construction). |

| Commercial Billings | | | | |
|---|---|---|---|---|
| Unit Serviced | Rate or Charge | Rate or Charge as of July 1,2025 | Rate or Charge as of January 1, 2026 | Method of Billing |
| Hotels or Motels -Unmetered | $10.14 per month per unit | $11.41 per month per unit. | $12.68 per month per unit. | Semi-Annual Billing |
| Trailer or Manufactured Home Parks - Unmetered | $15.09 per month per serviced space | $16.98 per month per serviced space. | $18.86 per month per serviced space. | Semi-Annual Billing |
| Schools - Unmetered | First 100,000 cu.ft. used - $1.025 per 100 cu.ft.<br><br>Next 100,000 cu.ft. used - $0.911 per 100 cu.ft. | First 100,000 cu.ft. used - $1.153 per 100 cu.ft.<br><br>Next 100,000 cu.ft. used - $1.025 per 100 cu.ft. | First 100,000 cu.ft. used - $1.281 per 100 cu.ft.<br><br>Next 100,000 cu.ft. used - $1.139 per 100 cu.ft. | Semi-Annual Billing |

| | | | | |
|---|---|---|---|---|
| | In excess of 200,000 cu.ft. used - $0.820 per 100 cu.ft.<br><br>Usage based on 22 cu.ft. per month per pupil | In excess of 200,000 cu.ft. used - $0.923 per 100 cu.ft.<br><br>Usage based on 22 cu.ft. per month per pupil | In excess of 200,000 cu.ft. used - $1.025 per 100 cu.ft.<br><br>Usage based on 22 cu.ft. per month per pupil | |
| Commercial Premises - metered including metered trailer or manufactured home parks or metered hotels or motels. | First 100,000 cu.ft. used - $1.025 per 100 cu.ft.<br><br>Next 100,000 cu.ft. used - $0.911 per 100 cu.ft.<br><br>In excess of 200,000 cu.ft. used - $0.820 per 100 cu.ft.<br><br>Minimum Monthly Charge - $22.32 Plus meter rental charges in 6.5.4.2. | First 100,000 cu.ft. used - $1.153 per 100 cu.ft.<br><br>Next 100,000 cu.ft. used - $1.025 per 100 cu.ft.<br><br>In excess of 200,000 cu.ft. used - $0.923 per 100 cu.ft.<br><br>Minimum Monthly Charge - $25.11 Plus meter rental charges in 6.5.4.2. | First 100,000 cu.ft. used - $1.281 per 100 cu.ft.<br><br>Next 100,000 cu.ft. used - $1.139 per 100 cu.ft.<br><br>In excess of 200,000 cu.ft. used - $1.025 per 100 cu.ft.<br><br>Minimum Monthly Charge - $27.90 Plus meter rental charges in 6.5.4.2. | Semi-Annual Billing |
| Bulk Water Metered Station | $3.50 per 100 cu. Ft. ($1.250 per m^3)<br><br>$100 administrative fee for first registered vehicle<br><br>$50 for each additional registered vehicle<br><br>$5 administrative fee per month | $3.94 per 100 cu. Ft. ($1.406 per m^3)<br><br>$100 administrative fee for first registered vehicle<br><br>$50 for each additional registered vehicle<br><br>$5 administrative fee per month | $4.38 per 100 cu. Ft. ($1.562 per m^3)<br><br>$100 administrative fee for fist registered vehicle<br><br>$50 for each additional registered vehicle<br><br>$5 administrative fee per month | Pre-Paid Billing |

Subdivision 4 - Rates and Charges (Continued)

6.5.4. 2. Meter Rentals

Monthly meter rentals to be charged for meters in addition to charge for water used:

| Meter Size (Inches) | Net Rental Per Month |
|---|---|
| 1/2 | 2.20 |
| 5/8 | 2.20 |
| 3/4 | 2.20 |
| 1 | 3.85 |
| 1-1/2 | 6.00 |
| 2 | 7.70 |
| 3 | 20.00 |
| 4 | 32.00 |
| 6 | 52.00 |
| 8 | 58.00 |
| 10 | 84.00 |

3. Service Charge - Shut-off or Turn-on

a. During normal working hours:

| | |
|---|---|
| Summer Conditions | 75.00 |
| Winter Conditions | 150.00 |

b. Outside normal working hours:

| | |
|---|---|
| Summer Conditions | 150.00 |
| Winter Conditions | 250.00 |

Subdivision 4 - Rates and Charges (Continued)

6.5.4. 3. c. Where shut-off required as a result of damage to connection, the greater of flat rate or actual cost.

d. "Winter Conditions" shall mean conditions requiring snow removal for access to the valve box.

e. A turn-off made under winter conditions may be followed by a turn-on charged for under summer conditions if further snow removal is not required for the turn-on.

f. A turn-off made outside normal working hours may be followed by a turn-on for which no charge will be made, provided that the turn-on is made within two hours of the municipal personnel arriving at the site.

Subdivision 5 - Discounts and Non Payment - Commercial

6.5.5. 1. If water charges on commercial billings are paid within THIRTY (30) days from the date of invoice the payee will receive a TEN (10) percent discount.

2. When water charges due and payable by any person are overdue for a period of THIRTY (30) days, the District may serve notice upon such person by mailing such notice to the address given in the application for municipal water service.

3. Such notice shall contain a statement and demand for such rates or charges to be paid within TEN (10) days from the date of such notice.

4. In the event of such person, having been served with such notice, failing to pay such rates or charges as are overdue within TEN (10) days after having been so served then the District may cause the water to be shut off from the premises and the water shall not be turned on again to such premises until all charges and penalties, including connection and disconnection charges, have been paid.

*Kitimat Municipal Code*, CONVENIENCE COPY. The District of Kitimat accepts no responsibility for errors or omissions in this consolidation. A CERTIFIED COPY is available from the Corporate Office, District of Kitimat.

Subdivision 5 - Discounts and Non Payment - Commercial (Continued)

6.5.5. 5. Senior Citizens and persons qualifying under the Home Owner Grant Act for the additional Homeowner Grant, shall receive a discount of 10 percent on water rates for residential billings on tax notices."

6. Non-profit organizations such as service clubs, religious and charitable institutions shall be granted a 50% discount on water purchase.

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PART 6 - PUBLIC UTILITIES
Division 6 - Sewage Disposal

Subdivision 1 - Owner to Comply

6.6.1. 1. Every owner of premises within the District shall, if such premises are to be connected or are connected with the municipal sewer system, install, place and maintain in such premises sewer connections, fixtures and other apparatus in accordance with the requirements of this Division.

Subdivision 2 - Disposition

6.6.2. 1. No person shall discharge or allow the discharge of:

a. sanitary sewage, petroleum products, or industrial waste into any pipe line, either private or public, which leads into the municipal storm sewers; or into any gullies, ravines, land depressions or onto any ground surface; or

b. petroleum products into any pipe, either private or public, which leads into the municipal sanitary sewer system; or

c. sludge or deposit contained in septic tanks into the municipal sewer system, or municipal storm sewers;

d. notwithstanding 6.6.2.1.a. hereof, non-toxic industrial cooling water having a suspended solids content of less than 50 mg/l above that of the water supplied to the cooling process, BOD5 of less than 10mg/l, and temperature of less than 100°F, may be discharged into the municipal storm sewer system; or into gullies, land depressions or onto any ground surfaces which lead directly to a receiving water. Any such discharge must have the approval of the Municipal Engineer, who may limit the rate of discharge according to the capacity of the receiving sewer, or ground surface.

2. Notwithstanding the provision of 6.6.2.1. Council may by resolution permit the discharge of partially treated sanitary sewage and/or industrial wastes into a natural gully or ravine in the M.1 industrial zone and impose such conditions on the permit as it deems necessary.

3. No person shall discharge or allow the discharge of any surface or ground waters into the sanitary sewer system except in cases of dwellings occupied before January 1st, 1956, where the owner may connect up subsurface drainage pipe for foundations and foundation walls to the sanitary sewer system with the approval of the Municipal Engineer.

Subdivision 2 - Disposition (Continued)

4. Where subsurface drainage pipe for foundations and foundation walls have been connected to the sanitary sewer system and a storm sewer or suitable ditch or swale has subsequently been provided within 18 metres of his property the owner of the dwelling, upon the written request of the Municipal Engineer, shall forthwith disconnect such subsurface drainage pipe for foundations and foundation walls from the sanitary sewer system and make arrangements for same to be connected with such storm sewer or into such ditch or swale and should such owner refuse or neglect to take such steps, the municipality, on two weeks' notice to the owner, may do the work at the expense of the owner and recover the cost from him.

Subdivision 3 - Interference with System

6.6.3. 1. No person shall make any connections to, or in any way interfere or tamper with any pipe, fixture, or other apparatus of the municipal sewer system unless he has been duly authorized by the Chief Administrative Officer.

Subdivision 4 - Inspection of Premises

6.6.4. 1. Every person on premises having a connection with the municipal sewer system shall at all reasonable times allow, suffer and permit the Municipal Engineer, or any person by him authorized for such purpose, either generally or in a particular instance, to enter into and upon such premises for the purpose of inspecting the same, and the sewer pipes, connections, fixtures and other apparatus used in connection with the sewer system, and to carry into effect the provisions of this Division.

Subdivision 5 - Owner May Apply

6.6.5. 1. The owner of any premises in the District who desires such premises to be serviced by the municipal sewer system may make application to the municipality for the installation of a sewer service connection.

Subdivision 6 - Application

6.6.6. 1. Every such application shall:

a. be made by the owner, or his authorized agent, in writing at the Collector's office on the form provided by the municipality;

Subdivision 6 – Application (Continued)

b. contain a full and correct statement of the size and description of the premises, the purpose for which the connection is required, the proposed location and size of connection, and all other information which the Collector may require to estimate the amount of sewage to be disposed of;

c. contain a covenant by the applicant that the applicant will protect and save harmless the municipality from all claims, demands, costs, and charges of whatsoever kind arising out of or in any manner incident to or caused by any of the pipes used for disposal of sewage pursuant to the application;

d. contain a covenant by the applicant that he will comply with all the requirements of this Division from time to time in force;

e. be signed by the applicant; and

f. "be accompanied by a payment to the Collector of the applicable charges at the following rates:

| | | |
|---|---|---|
| 1) | Application Fee | $ 50.00 |

Subdivision 6 – Application (Continued)

2) Fees for all storm and sanitary sewer service connections from the sewer main to property line shall be based on actual costs plus 15% administration charges.

Before any work is begun, applicants shall sign a third party work order on the form provided by the municipality. The Municipal Engineer will provide an estimate of the installation costs.

Regardless of the estimated costs, the applicant shall pay the final costs (actual costs plus 15% administration charges).

If the estimated cost exceeds $18,000.00, the property owner is free to obtain a price from another source to replace their existing sewer service or install a new service, as approved by the Municipal Engineer. If the property owner chooses to proceed in this manner, a third party work order shall be signed by the owner or his/her representative to cover costs of the municipality providing sewer main by-pass, traffic control, materials, main connections, inspection and any other associated costs. The charge to the owner will be based on actual costs plus 15% administration costs.

3) Hook-up charge for the municipality to connect private sewer service lines 4" (100mm) to 6" (150mm) to the municipal sewer system at the property line: $50.00.

Where more than one visit to site is required by the property owner or his/her representative, the charge shall be $50.00 per trip.

3) For service sizes greater than 6" (150mm), hook-up charges will be based on actual costs incurred by the municipality plus 15% administration charge. A third party work order shall be signed by the property owner or his/her representative.

4) For dwelling units in Subdivisions of undeveloped parcels of land serviced by the municipal sanitary sewer system and without (1) existing sewer credits and (2) Subdivision Approval before January 1, 2000, a basic charge to be paid at the time of building permit application of:

$1,000 per dwelling unit with cooking facilities
$ 300 per dwelling unit without cooking facilities

Subdivision 6 – Application (Continued)

5) Service Charge - shut-off or Turn-on

For lots serviced by a low pressure sewage collection system, sewer service shut-off and turn-on fees for the private force main shall be the same as water services, as specified in Clause 6.5.4.3.

2. Without restricting the right of the Municipal Engineer to require the installation of a manhole in special circumstances, a manhole will be required when:

a. 6" (150 mm) sewer services join sewer main 8" (200 mm) in diameter or less;

b. 8" (200 mm) sewer services join sewer mains 12" (300 mm) in diameter or less;

c. 10" (250 mm) sewer services join sewer mains 15" (375 mm) in diameter or less;

d. 12" (300 mm) sewer services join sewer mains 18" (450 mm) in diameter or less;

Charge per manhole shall be based on actual costs plus 15% administration charges.

Subdivision 7 - Collector

6.6.7. 1. Upon completion of an application under the immediately preceding section, the Collector shall forward a copy of such application to the Municipal Engineer.

Subdivision 8 - Municipality to Install Connection

6.6.8. 1. The Municipal Engineer, upon receipt of a copy of the application and having satisfied himself that the service or services are necessary, will undertake to have the municipality install the services as soon as possible.

Subdivision 9 - Service Restrictions

6.6.9. 1. The Municipal Engineer shall in every case determine the size of the pipe to be used in servicing any premises and also the position in the street in which it is to be placed, and no work of any kind connected with such service shall be permitted to be done on or under the street by any person other than an employee of the municipality or by a duly authorized contractor.

Subdivision 9 - Service Restrictions (Continued)

2. The Municipal Engineer may limit the number of sewer service connections between any municipal sewer main and any separate premises.

3. In the case of industrial wastes the Municipal Engineer may require the applicant to furnish a statement of the character of the sewage proposed to be discharged into the system and, if, in the opinion of the Municipal Engineer, such sewage would be detrimental to the system, pre-treatment thereof may be required.

Subdivision 10 - Owner's Installation

6.6.10. 1. All sewer service pipes in any premises shall be laid at a depth of not less than four feet, or such other greater depth as may be determined by the Municipal Engineer, below the surface of the ground and must be laid in such a manner as to be protected from frost.

2. Where such pipes cross under or near other excavation, the pipes must be properly protected against settlement.

Subdivision 11 - Responsibility

6.6.11. 1. Every owner shall keep his sewer service pipes and other sewer service fixtures on his premises, in good order and repair, and protect them from frost.

2. In the event of the owner or occupant calling upon the municipality to clear any stoppage of the sewer service line and such stoppage being found to be on the owner's property, then the owner shall be charged the full cost of the work undertaken.

3. No owner or occupant of premises shall wilfully allow sewage to leak from any imperfect of leaking pipes or other fixtures of the sewer service connection on his premises.

Subdivision 12 - Faulty Works

6.6.12. 1. In the case of leaky or improper pipes or imperfect fixtures in the sewer service connection on any premises the Municipal Engineer, after due notification to the occupant or owner, and the necessary repairs or alterations not being made by such occupant or owner within forty-eight hours thereafter, and where the conditions of such pipes or fixtures shall be such as to cause a nuisance to the public, be dangerous to public health, or damage property, then, without notice, shall have authority to cut off the supply of water to such premises by shutting the curb-cock or by detaching the water service pipe from the water main.

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Subdivision 12 - Faulty Works (Continued)

2. Before the water is turned on again, such pipes or imperfect fixtures shall be repaired or altered to the satisfaction of the Municipal Engineer.

3. The charge for disconnecting or reconnecting, or for turning off or on the water, as specified in Division 3 of this Part shall be paid by the person owning the premises.

4. No person whose supply of water is cut off under this Subdivision shall have any claim against the municipality by reason of such action.

Subdivision 13 - Other User Fees

6.6.13. 1. If the Municipal Engineer permits the discharge of sewage directly or indirectly into the municipal sewer system from any vessel or similar source of sewage in respect of which the District is not imposing a property tax under s. 197 of the *Community Charter*, the discharge shall be subject to a daily fee of $0.10 per bed, to be paid quarterly. Fees shall be applied to all beds and shall only be imposed for days the vessel or similar source of sewage is situated within the District and providing accommodation.

2. Sewage disposed in the municipal sewage system from locations not connected to the municipal collection system, and per conditions outlined by the Municipal Engineer shall be charged at a rate of $0.05 per litre of sewage disposed, to be paid quarterly.

3. The Municipal Engineer may, prior to permitting such discharges, require the person responsible for the discharge to provide security to the District in the form of cash or a letter of credit, in an amount sufficient to cover the fee that the Municipal Engineer estimates will be payable under this Subdivision in respect of the first two months of discharge. Such security shall be returned upon the complete cessation of discharges, provided that the District may apply the security towards any sewage discharge account that remains unpaid at that time.

4. The Municipal Engineer may require the installation in the municipal sewer system, or in facilities upstream of the municipal sewer system, of equipment specified by the Municipal Engineer to monitor and record the volume of sewage being discharged into the municipal sewer system, may enter on any land to inspect any such equipment and record meter readings, and may require the person responsible for the discharge of sewage to maintain, repair or replace the equipment or take other steps to ensure accurate measurement and recording of sewage discharges.

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5. Fees imposed pursuant to this Subdivision are due and payable within 30 business days of receipt of an invoice issued by the Collector, and if unpaid after that date shall bear interest at the rate of 1% per month.

Subdivision 13 - Other User Fees (Continued)

6. The Municipal Engineer may order the cessation of discharges into the municipal sewage system for non-payment of fees imposed under this Subdivision and for any reason related to the operation of the system, including the quality of sewage discharged and the capacity of the system to accommodate the discharges.

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PART 7 - PUBLIC HEALTH
Division 1 - Residential Solid Waste Collection

Subdivision 1 - Interpretation

7.1.1. 1. In this Division, unless the context otherwise requires:

"Bi-weekly Collection" means the scheduled collection once in a two-week period.

"Certified Compostable" means materials approved by the Biodegrable Products Institute (BPI) that are designed to completely biodegrade at an industrial composting facility.

"Collection Service" means the service for the collection of Residential Solid Waste.

"Commercial Premises" means business establishment or institution facilities. This includes but is not limited to educational and health care facilities, and churches;

"Construction Camp" means a building or collection of buildings for temporary residential use as workforce accommodation for an industrial construction project where residents are provided with (a) exclusive sleeping accommodation units with individual or communal bathroom(s) but no cooking facilities; and (b) meals in communal dining area(s ).

"Container" shall mean a rigid plastic or paper receptacle used for temporary storage of Garbage, Food Waste, Recyclable Material, or Yard Waste. This may refer to bags, boxes, bins, cans, or carts owned by the owner or occupier or the District, and used for the Collection Service.

"Contractor" means the person or persons under contract with the District of Kitimat to provide Collection Service.

"Corrugated Cardboard" means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards.

"Director of Engineering" means the Director of Engineering Services or the Municipal Engineer of the District of Kitimat or their designated representative;

"District" means the District of Kitimat;

"Division" means Part 7, Division 1 of the *Kitimat Municipal Code*.

Subdivision 1 – Interpretation (continued)

7.1.1. "Dwelling Unit" means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities and has a separate entrance at first story level. For clarity, does not include Motor Home or Trailer.

"Food Waste" means vegetative matter, food processing waste, kitchen waste and other organic wastes that can be composted, and includes but is not limited to: dairy products, egg shells, fruit and vegetable scraps, meat, bones, fish, seafood shells, noodles, rice, beans, grains, and bread, small amounts of oil and fat (soaked in paper towel or newspaper), teabags, coffee grounds, filters, tissues, paper towels, food soiled paper, and waxed cardboard but does not include Yard Waste.

"Food Waste Container" means a Container for Food Waste as set out in Schedule "A".

"Garbage" means discarded matter including refuse, waste, noxious, offensive and unwholesome materials, but does not include Yard Waste, Food Waste, Recyclable Material, or Prohibited Waste.

"Garbage Container" means a Container for Garbage as set out in Schedule "A".

"Industrial Premise" means an industry or manufacturing operation including but not limited to forestry, pulp and paper, mining or fisheries, aluminum smelter, or natural gas operations.

"Kraft Paper Bag" means a paper yard waste bag made from readily compostable kraft paper, specifically designed for Yard Waste.

"Motor Home" has the same meaning as the *Motor Vehicle Act* R.S.B.C. 1996, c.318 and amendments thereto.

"Prohibited Waste" means items as set out in Part 7, Division 2, Subdivision 8.

"Recycle BC" means MMBC Recycling Inc. doing business as Recycle BC.

"Recyclable Material" means paper, paper packaging and cardboard, including Corrugated Cardboard, empty, rinsed plastic containers, empty, rinsed cartons and paper cups, empty, rinsed aluminum containers, and empty, rinsed steel containers, and as may be indentified by Recycle BC as acceptable in Recycle BC's curbside collection program.

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Part 7, Division 1 – Residential Solid Waste Collection

Subdivision 1 - Interpretation

7.1.1. "Recyclable Material Container" means a Container for Recyclable Material as set out in Schedule "A".

"Residential Solid Waste" means Garbage, Food Waste, Recyclable Material and/or Yard Waste generated by a Dwelling Unit.

"Service Area" means within the boundaries of the District.

"Solid Waste" means Food Waste, Garbage, Recyclable Material, and Yard Waste.

"Trailer" has the same meaning as the *Motor Vehicle Act* R.S.B.C. c. 318 and amendments thereto.

"Yard Waste" means all organic material produced by a yard or garden including grass clippings, hedge and tree pruning materials, small twigs, chipped tree waste, branches not exceeding 12 mm (1/2 inch) in diameter and 1.2m (4 feet) in length, and weeds and material from flower beds and vegetable gardens.

"Yard Waste Container" means a container for Yard Waste as set out in Schedule "A".

"Weekly Collection" means the scheduled collection once every week.

Subdivision 2 - General Control

7.1.2

1. The District is hereby authorized to provide a Collection Service within the Service Area.

2. Every owner or occupier of a Dwelling Unit within the Service Area which generates Residential Solid Waste shall be responsible for its proper storage and disposal in accordance with the applicable regional, provincial, federal and local government legislation.

3. Every owner or occupier of an eligible Dwelling Unit located within the Service Area shall store Solid Waste in a manner to prevent access by wildlife or domestic animals, such as in an enclosed garage or fully enclosed storage bin or storage shed.

4. Every owner or occupier of a Dwelling Unit located within the Service Area shall use the Collection Service for the collection, removal, management, and disposal of Residential Solid Waste generated in a Dwelling Unit.

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Subdivision 2 - General Control

7.1.2

5. Despite any other provision in this Division, where the Director of Engineering may consider that a Dwelling Unit cannot be safely or efficiently serviced, the Director of Engineering may exclude that Dwelling Unit from the Collection Service and, upon notice to the owner of the Dwelling Unit, the Dwelling Unit is not permitted or required to receive the Collection Service.

6. An owner or occupier of a Dwelling Unit located within the Service Area shall not cause or permit any Residential Solid Waste to collect or accumulate at their Dwelling Unit.

Subdivision 3 – Administration of Division

7.1.3

1. The Director of Engineering is authorized to administer this Division including the supervision, control, and direction of the collection, removal, and disposal of Residential Solid Waste within the Service Area.

2. The decision of the Director of Engineering shall be conclusive with regard to the quantities and classes of Solid Waste and other matter as it pertains to the Collection Service.

3. The District or its agents shall have the right to enter at all reasonable times upon any property to determine whether the provisions of the Kitimat Municipal Code for the Residential Solid Waste Collection Service are being complied with.

Subdivision 4 – Preparation for Collection - General

7.1.4.

1. Unless otherwise provided for in this Division, no person shall place for collection any Prohibited Waste.

2. No person shall place for collection Solid Waste not generated by a Dwelling Unit.

3. No liquid in free form shall be placed in any Container for collection.

4. No solids or greases which may adhere to the collection vehicle, shall be put or placed in any Container for collection unless wrapped.

Subdivision 4 – Preparation for Collection - General

7.1.4. 5. Every owner or occupier of a Dwelling Unit served by the Collection Service:

a) Shall place Residential Solid Waste for collection in accordance with the *Kitimat Municipal Code*;

b) Shall place the Solid Waste Container for collection by 8:00 a.m. but not earlier than 4:30 a.m. on the day scheduled for its collection in full view on the property line abutting the roadway which the Collection Service is provided such that the Container can be conveniently handled from the ground level and readily accessible from such roadway.

c) Shall remove and properly store the Container by 9:00 p.m. on the collection day.

d) Shall keep all Containers in good and sanitary condition, and shall replace any which become damaged or dangerous to persons handling them.

e) Shall pickup and properly dispose of any loose Residential Solid Waste by 9:00 p.m. on the collection day;

f) Shall not compress Residential Solid Waste into any Container in a manner that will inhibit the materials from freely being collected during the collection process;

g) Shall at all times, unless authorized by the Director of Engineering, keep Containers on the premises they are intended to serve, and shall not be kept or encroach upon or project over any street, lane or public place, except for the purpose of collection.

Subdivision 5 – Preparation for Collection - Garbage Container

7.1.5. 1. No person shall place items other than Garbage in a Garbage Container for collection.

2. No person shall place for collection a Garbage Container containing Garbage that weighs more than 23 kilogram (50 lbs).

3. Garbage shall be drained of excess moisture and wrapped in a suitable waterproof material before being placed in a Garbage Container.

4. Garbage of a small or fly away nature such as hair, dry ashes, and sawdust shall be secured in a disposable container, plastic or paper bag, or wrapped in paper.

Subdivision 6 – Preparation for Collection - Recylable Container

7.1.6. 1. No person shall place items other than Recyclable Material in a Recyclable Material Container for collection.

2. No person shall place for collection a Recyclable Material Container containing Recyclable Material that weighs more than 23 kilograms (50lbs).

Subdivision 7 – Preparation for Collection - Yard Waste

7.1.7. 1. No person shall place items other than Yard Waste in a Yard Waste Container for collection.

2. No person shall place for collection a Yard Waste Container containing Yard Waste that weighs more than 23 kilograms (50 lbs).

Subdivision 8 – Preparation for Collection - Food Waste

7.1.8. 1. Unless otherwise provided for in 7.1.8.2 or 7.1.8.3, no person shall place items other than Food Waste in a Food Waste Container for collection.

2. Moist Food Waste shall be drained of excess moisture and placed in a Certified Compostable bag or kraft paper bag inside the Kitchen Waste Container for collection.

3. Food Waste may be placed in a Certified Compostable bag or kraft paper bag inside the Kitchen Waste Container for collection.

4. No person shall place for collection a Food Waste Container containing Food Waste that weighs more than 23 kilograms (50 lbs.)

Subdivision 9 – Frequency of Collection Service

7.1.9. 1. Garbage Collection Service shall not be less than once Bi-Weekly.

2. Yard Waste Collection Service shall not be less than once Bi-Weekly from May to November.

3. Recyclable Material Collection Service shall not be less than once Bi-Weekly.

4. Food Waste Collection Service shall not be less than once weekly.

5. The frequency of the provision of the Collection Service is subject to change from time to time, as determined by the District or its agents, or as otherwise necessary to respond to environmental, emergency, and other unforeseeable circumstances.

Subdivision 10 – Container Limits

7.1.10.

1. Each Dwelling Unit is limited to collection of three (3) Garbage Containers per Collection Period.

2. Each Dwelling Unit is limited to one (1) Food Waste Container per Collection Period.

3. There is no limit on the number of Recyclable Material Containers per Collection Period.

4. Each Dwelling Unit is limited to four (4) Yard Waste Container per Collection Period.

5. Each Dwelling Unit shall make alternate disposal arrangements for Residential Solid Waste in excess of the limits set out in this Division.

Subdivision 11 – Litter Management

7.1.11.

1. No person shall accumulate, spill, drop, dump, or dispose of any Solid Waste, Prohibited Waste, or any other material on any street, sidewalk, park or other lands owned by the District or other public property, or upon private property, whether owned by that person or not, unless that person has obtained the permission of the Director of Engineering.

Subdivision 12 – Tampering with Containers

7.1.12.

1. No person, except the owner or occupier of the Dwelling Unit shall place Residential Solid Waste for pickup with the Residential Solid Waste of others without the permission of the owner or occupier.

2. No person, except the owner or occupier of the Dwelling Unit or an agent of the District shall tamper with, disturb, and/or move from a Residential Solid Waste Container, or from an area adjacent to a Residential Solid Waste Container, any material.

3. Residential Solid Waste collected by the District or its agent becomes the property of the District.

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Subdivision 13 - Solid Waste Collection Fees

7.1.13. 1. Every eligible Dwelling Unit shall pay for Collection Service as follows:

| Unit Serviced | Rate of Charge |
|---|---|
| Property serviced | $146.00 per year, per Dwelling Unit, payable by line charge as part of annual property taxes |

2. Properties that qualify for Schedule 4 grant of the *Home Owner Grant Act* and amendments thereto, shall receive a discount of TEN (10) percent for residential Collection Service charges on property tax notices associated with that property.

Schedule "A"

| | |
|---|---|
| Garbage Container | • Rigid plastic can:<br>o Of not more than 121 litres capacity; and<br>o Having a secure, non-hinged lid that suppresses odours and deters access to the contents by wildlife and domestic animals without the use of ropes, bungee cords, straps, string, or other such devices. |
| Yard Waste Container | • Kraft Paper Bags with a capacity of not more than 121 ltires; or<br>• Rigid plastic can:<br>o of not more than 121 litres;<br>o readily identifiable as containing Yard Waste; and<br>o which may have a secure, non-hinged lid. |
| Recyable Material Container | For all Recycable Material:<br>• Rigid plastic box:<br>o Of not more than 90 litres;<br>o Blue in colour; and<br>o Readily identifiable as containing Recyclable Material.<br>For paper, paper packaging, and cardboard:<br>• Reusable, poly bag:<br>o Of not more than 80 litres;<br>o Yellow in colour;<br>o Dimensions of 24"x30"; and<br>o Readily identifiable as containing paper products. |
| Food Waste Container | • Rigid plastic cart:<br>o Of not more than 57 litres;<br>o Having a secure, hinged lid that suppresses odors and deters access to the contents by wildlife and domestic animals without the use of ropes, bungee cords, straps, string, or other such devices;<br>o Green in colour; and<br>o Readily identifiable as containing food waste. |

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PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Subdivision 1 - Interpretation

7.2.1.

1. In this Division, unless the context otherwise requires:

**Appliances** see Ozone Depleting Substances (ODS) Containing Product

**Asbestos** means a waste containing Friable Asbestos fibres or Asbestos dust in concentration greater than 1 percent by weight either at the time of manufacture, or as determined using a method specified in the *Hazardous Waste Regulation No. 63/88*:

a) **Asbestos Friable** means any material containing Asbestos that when dry, can be easily crumbled or pulverized to powder by hand due to its nature is very difficult to handle and therefore requires preapproval for disposal
b) **Asbestos Non-Friable** means any material containing Asbestos fibres that are bound or locked into the product matrix, so that the fibres are not readily released

**Asphalt** means a petroleum by-product, mixed with materials such as gravel and crushed rock, used for applications such as paving roadways, driveways, or parking areas

**Asphalt Shingles** means a unit of prepared roofing material made from petroleum-based by-product and used in the installation on roofs

**Auto Hulk** means a wrecked or derelict vehicle body that has been drained of all fluids and is not registered under the *Motor Vehicle Act*

**Automotive Batteries** means all consumer and industrial lead-acid batteries typically found in Vehicles, boats, forklifts and back-up power supply over 5 kilograms in weight

**Clean Wood** means waste that comprises of solid wood, lumber, or pallets that:

- does not contain any glues or resins; and
- is unpainted, unstained, or untreated; and
- may or may not be pierced with nails or other metal fasteners

**Corrugated Cardboard** means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards.

**Commercial Premises** means any business establishment, apartment building or institution including but not limited to schools, churches, and hospitals

**Commercial Waste** means solid waste generated by stores, offices, restaurants, warehouses and nonmanufacturing activities at industrial facilities

**Compressed Gas Cylinder** means refillable propane tanks for home barbeques or camp stoves or disposable propane canisters, butane canisters, helium balloon tanks, and oxygen tanks

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

**Concrete** means a hardened mixture of cement with sand, gravel and/or rebar. Rebar protruding from cement shall not exceed 30 (thirty) centimetres in length

**Construction and Demolition Waste** means waste produced from the construction, renovation, and demolition of buildings and other structures, but does not include waste containing or contaminated with asbestos, creosote, polychlorinated biphenyls (PCBs), Gypsom or Wall Board or any other Hazardous Waste specified in section 40 (1) of the *Hazardous Waste Regulation*

**Contaminated Soil** means soil, sediment and/or fill material containing substances in quantities or concentrations greater than those specified in provincial environmental quality standards, but which is not a hazardous waste under *Hazardous Waste Regulation*

**Controlled Waste** means waste as set out in Schedule C

**Controlled Waste Application** means an application to dispose of waste as may be required by the Municipal Engineer and in a form acceptable to the Municipal Engineer

**Corrugated Cardboard** means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards

**Council** deleted by Bylaw No. 2040, 2023

**Curbside Collection Service** means the collection service for the District as set out in Part 7, Division 1 of the *Kitimat Municipal Code*

**Dead Animals and Parts** means any deceased pets, wildlife, livestock or slaughter remains oroffal thereof, including: bones, feathers, skin, and hair but excluding cattle carcasses or free bodily fluids

**District** means the District of Kitimat

***District Container*** *Deleted by Bylaw No. 2040, 2023*

**Division** unless context notes otherwise, means Part 7, Division 2 of the *Kitimat Municipal Code*

**Environmental Management Act** means the *Environmental Management Act,* S.B.C. 2003, c. 53, as amended or replaced and any successor legislation and regulations there under

**Extended Producer Responsibility (EPR) Materials** means materials regulated under the Recycling Regulation by the Provincial Environmental Management Act.

**Food Waste** means vegetative matter, food processing waste, kitchen waste and other organic wastes that can be composted, and includes but is not limited to: dairy products,

egg shells, fruit and vegetable scraps, meat, bones, fish, seafood shells, noodles, rice, beans, grains, and bread, small amounts of oil and fat (soaked in paper towel or newspaper), teabags, coffee grounds, filters, tissues, paper towels, food soiled paper, and waxed cardboard

**Garbage** means solid waste and has the same meaning as defined in this division

**Gypsum Board or Wall Board** means a board made from wood pulp, plaster, or other material. It includes, but is not limited to, new construction cut-offs or scraps and old wallboard that has been painted, covered in wallpaper, vinyl, ceramic tile, and lath and plaster. It does not include material containing asbestos

**Hazardous Waste** means waste defined as hazardous waste in the *Hazardous Waste Regulation*

**Hazardous Waste Regulation** means the *Hazardous Waste Regulation* No. 63/88, as amended or replaced and any successor legislation and any regulations thereafter

**Household Batteries** means all batteries accepted as EPR Materials.

**Industrial Waste** means any waste originating from an industrial or manufacturing operation including but not limited to: forestry, pulp and paper, mining or fisheries, aluminum smelter, or natural gas operations

**Industrial Work Camp Waste** means waste from a building or collection of buildings used or intended for use for the purpose of residential accommodation and supports for industrial project workers, where residents are provided with individual sleeping accommodation units, with individual or communal bathroom facilities, and where residents are provided meals in communal dining areas

**Interpretation Act** means the *Interpretation Act*, R.S.B.C. 1996, c.238 as amended or replaced and any successor legislation and any regulations thereafter

**Landfill Site** means the location established for the management and disposal of Solid Waste, Controlled Waste, and Restricted Waste as set out in this Division

**Land Clearing Waste** means the wood waste produced from clearing of land for development, other than organic materials, and includes trunks, stumps, tree branches 12mm (1/2 inch) in diameter or greater, tops and whole trees

**Mattress** means a unit comprised of a case of canvas or other heavy textile stuffed with wool, cotton, other fibres or similar material, with or without coiled springs, that was used as a bed or as a support for a bed (boxspring) and includes foam mattresses used as a primary sleeping surface.

**Mixed Load** means waste containing more than one stream of waste. Special handling fees and requirements may apply as specified in Schedule A

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

**Motor Vehicle Act** means the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318 as amended or replaced and any successor legislation and any regulations thereafter

**Municipal Engineer** means the Director of Engineering Services for the District of Kitimat or the authorized representative

**Non-Resident Garbage** deleted by Bylaw No. 2040, 2023

**Non-Resident Yard Waste** deleted by Bylaw No. 2040, 2023

**Operational Certificate** means the current certificate for operation of the Kitimat Landfill issued by the Province of British Columbia

**Other Sewage Waste** means any wastewater, sewage or slurry, including pumpage from catch basins, oil-water separators and shop floor drains, but does not include Septic Sludge

**Organic Material** means Food Waste, garden waste including leaves, grass, small twigs, chipped tree waste, tree branches less than 12 mm (1/2 inch) in diameter and 1.2 m (4 feet) in length, and compostable structural wood waste

**Owner** *deleted by Bylaw No. 2040, 2023*

**Ozone Depleting Substances (ODS) Containing Product** means Major Appliances containing a compressor and ozone depleting substances, including refrigerators, wine coolers/ beverage centres, freezers, room air conditioners, portable air conditioners and dehumidifiers

**Person** has the same meaning as defined in the *Interpretation Act*

**Product Stewardship Materials** means designated materials that fall under a specific product category of the *Recycling Regulation*, including, but not limited to, beverage containers, electronic and electrical products, fluorescent tubes and bulbs, gasoline, lead-acid batteries, packaging and printed paper, paint products, pesticides, pharmaceutical products, rechargeable batteries, solvents, flammable liquids, tires, Used Oil and Antifreeze, as those products are defined under the *Recycling Regulation*

**Prohibited Waste** means waste as set out in Schedule E

**Recyclable Materials** has the same meaning as defined in the *Environmental Management Act*

**Recycling Regulation** means Recycling Regulation 449/2004 as amended or replaced and any successor legislation and any regulations thereafter

**Residential Premises** deleted by Bylaw No. 2040, 2023

**Restricted Waste** means waste as outlined in Schedule D

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

**Septic Sludge** means treated septic tank pumpage and treated sewage sludge from domestic sources, but does not include Other Sewage Waste

**Service Area** means the municipality of the District of Kitimat

**Sharps** means clinical and laboratory materials consisting of needles, syringes, blades or laboratory glass which have been autoclaved

**Site Operator** means a Person employed by or having a contract with the District for supervision or maintenance duties at the Landfill Site

**Site Personnel** the Site Operator and any person performing duties at the Landfill Site under the employment or supervision of a Site Operator, or any other person authorized by the District to perform duties at the Landfill Site from time to time

**Soils Suitable for On-site Use** means soils free of contamination, and free of rocks and organic materials, on-site suitability to be determined by Site Operator

**Soils Unsuitable for On-site Use** means soils mixed with other wastes, rocks and organic material but does not include Contaminated Soils

**Solid Waste** means discarded or abandoned materials, substances or objects but does not include Controlled Waste, Restricted Waste or Prohibited Waste

**Trailer** has the same meaning as defined in the *Motor Vehicle Act*

**Used Oil and Antifreeze** means all products as defined under the Lubricating Oil product category, Empty Oil Container product category, Oil Filter product category and Antifreeze product category in Recycling Regulation

**Vehicle** has the same meaning as motor vehicle defined in the *Motor Vehicle Act*

**Yard Waste** means all organic material produced by a yard or garden including grass clippings, hedge and tree pruning material, small twigs, chipped tree waste, branches not exceeding 12 mm (1/2 inch) in diameter and 1.2 m (4 feet) in length, weeds and material from flower beds and vegetable gardens

2. The following schedules are hereby made and declared to be integral parts of this Subdivision:

| | |
|---|---|
| Schedule A | Fees |
| Schedule B | Charge Accounts |
| Schedule C | Controlled Waste |
| Schedule D | Restricted Waste |
| Schedule E | Prohibited Waste |
| Schedule F | Recyclables |

Subdivision 2 - General Regulations

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

7.2.2. 1. *Deleted by Bylaw No. 2040, 2023*

2. *Deleted by Bylaw No. 2040, 2023*

3. No Person shall deposit Solid Waste at the Landfill Site except in accordance with the Division.

4. All Solid Waste deposited at the Landfill Site shall become the property of the District, except where such Solid Waste is deposited contrary to the provisions of the Division in which case the District may refuse to accept ownership.

5. No Person shall dispose of Solid Waste within the Service Area other than at the Landfill Site of the District of Kitimat.

6. No Person shall deposit Solid Waste which originated outside the Service Area at the Landfill Site of the District.

7. As an exception to 7.2.2.6.:
   (a) the Municipal Engineer may authorize a Person to deposit Solid Waste from outside the Service Area at the Landfill Site upon request where:
      (i) the deposit of such Solid Waste is consistent with the Operational Certificate for the Landfill Site;
      (ii) the Municipal Engineeer considers that there is sufficient space for the deposit at the Landfill Site;
      (iii) the deposit is made in accordance with such terms and conditions as the Municipal Engineer considers appropriate in relation to such deposit.

Subdivision 3 - Landfill Site

7.2.3. 1. The Landfill Site is located at District Blocks A, B, and C, Lot 6185, Range 5.

Subdivision 4 – Facility Use Regulations

7.2.4. 1. *Deleted by Bylaw No. 2040, 2023*

2. *Deleted by Bylaw No. 2040, 2023*

3. *Deleted by Bylaw No. 2040, 2023*

4. *Deleted by Bylaw No. 2040, 2023*

5. *Deleted by Bylaw No. 2040, 2023*

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PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

6. *Deleted by Bylaw No. 2040, 2023*

7. All Persons entering the Landfill Site do so at their own risk. The District accepts no responsibility or liability for damage or injury to Persons or property that occurs during or as a result of entry to the Landfill Site.

8. Solid Waste transported to the Landfill Site shall be adequately covered or secured to prevent the materials from blowing or falling off the Vehicle or Trailer while in transit.

9. Any Person depositing Controlled Waste or Restricted Waste at the Landfill Site, must declare that intention to Site Personnel at the time of deposit.

10. Any Person operating a Vehicle within the Landfill Site must do so in a safe and prudent fashion, and must obey speed limits

11. No Person shall leave a Vehicle unattended at the Landfill Site.

12. No Person shall loiter at the Landfill Site.

13. No Person at the Landfill Site shall engage in conduct that is disorderly or offensive including but not limited to loud or excessive use of offensive language or intoxication.

14. Children under thirteen (13) years of age and pets are not permitted at the Landfill Site except when they remain within the confines of a Vehicle.

15. No Person, other than Site Personnel acting in the course of their duties, shall ignite a fire or cause a fire to be ignited, or bring any burning materials or hot ashes, or light or smoke any cigarette (tobacco or cannabis), cigar, pipe, vaping device, or similar thing within the Landfill Site.

16. No Person shall remove, scavenge, or salvage Solid Waste from the Landfill Site except pursuant to Section 7.10.4.b of this Division.

17. Every Person who deposits Solid Waste at the Landfill Site shall comply with all directions of Site Personnel, whether such directions are given in the form of signage, or verbal or written instructions.

18. No Person shall be within the Landfill Site except in accordance with this Division unless the Municipal Engineer or Site Personnel has authorized their presence.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

## Subdivision 5 - Building Operations

*Repealed by Bylaw No. 2036, 2023*

## Subdivision 6 - Excavated Material

*Repealed by Bylaw No. 2035, 2023*

## Subdivision 7 – Solid Waste Receptacle

*Repealed by Bylaw No. 2037, 2023*

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Subdivision 8 – Controlled Waste, Restricted Waste, and Prohibited Waste

7.2.8.

1. *Deleted by Bylaw No. 2040, 2023*

2. *Deleted by Bylaw No. 2040, 2023*

3. *Deleted by Bylaw No. 2040, 2023*

4. Controlled Waste is subject to the regulations set out in Schedule C.

5. Restricted Waste is subject to the regulations set out in Schedule D.

6. Prohibited Waste is subject to the regulations set out in Schedule E.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Subdivision 9 - Solid Waste Collection Fees

7.2.9. 1. *Deleted by Bylaw No. 2040, 2023*

2. *Deleted by Bylaw No. 2040, 2023*

3. *Deleted by Bylaw No. 2040, 2023*

4. *Deleted by Bylaw No. 2040, 2023*

5. Every Person who deposits Solid Waste, Controlled Waste, or Restricted Waste at the Landfill Site shall:

   a. pay the applicable fees prescribed in Schedule A; and

   b. pay the fees at the time of deposit.

6. Section 7.2.9.5 and the fees prescribed in Schedule A shall not apply to the deposit of Solid Waste at the Landfill Site in the following circumstances:

   a. where the Solid Waste is collected by the District or First Nation within the Service Area that pays a service fee to the District, or by a contractor on behalf of them, for purposes of a residential Curbside Collection Service.

   b. where Municipal Engineer has authorized the deposit, without charge, of Solid Waste for purposes of encouraging voluntary clean-up initiatives.

7. Notwithstanding sections 7.2.9.5.b. Charge Accounts may be established in accordance with Schedule B.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Subdivision 10 - Miscellaneous

7.2.10 Tampering with Containers

1. *Deleted by Bylaw No. 2040, 2023*

Administration of Bylaw

2. The Municipal Engineer is authorized with the administration of this Division and with the supervision, control and direction of the Landfill Site.

3. Without limiting the generality of section 7.2.10.2, the Municipal Engineer is hereby authorized to do the following:

   a. authorize the deposit of Solid Waste where not otherwise permitted at Landfill Site;

   b. establish form for the Controlled Waste Application; and

   c. prohibit the deposit of waste at the Landfill Site by Persons with an overdue Charge Account in accordance with Schedule B.

4. Without limiting the generality of section 7.2.10.2, the Municipal Engineer is hereby authorized to do the following:

   a. process Controlled Waste Applications, and where appropriate issue and cancel authorized Controlled Waste Applications in accordance with Schedule C; and

   b. authorize Persons to remove, scavenge or salvage waste from the Landfill Site at defined locations.

Subdivision 11 - Abandoned Vehicles

7.2.11. 1. *Deleted by Bylaw No. 2040, 2023*

2. *Deleted by Bylaw No. 2040, 2023*

Subdivision 12 – Violations and Penalties

7.2.12. 1. A Person who contravenes this Division may be refused or prohibited re-entry to the Landfill Site.

2. A Person who contravenes this Division shall, in addition to any other penalty imposed, pay any costs incurred by the District, or its agents, to remediate or rectify that Person's act or omission.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Subdivision 13 – Appeal

7.2.13. 1. A Person directly affected by a decision made under this Division may deliver a written notice of appeal with the Municipal Engineer.

2. A notice of appeal under section 7.2.13.1 must be delivered to the Municipal Engineer no later than thirty (30) days of the date of the decision being appealed.

3. Upon considering a decision under appeal, the Municipal Engineer may:

a. confirm, reverse or vary the decision under appeal; or

b. make any decision that the Municipal Engineer considers appropriate.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

# Schedule "A"
## Fees

1. Schedule A sets out the fees for deposit of Solid Waste, Controlled Waste, and Restricted Waste at the District's Landfill Site.
2. The minimum charge to deposit waste applies to all instances where waste is deposited as set out in Schedule A.1. Additional fees may apply as per Schedule A.2. Fees for Commercial Waste will be applied as per Schedule A.2.
3. Any waste listed in the table classified as Controlled Waste under Schedule C, the fee is only applicable where the solid waste has received permission for disposal at the Kitimat Landfill Site.
4. Any person or Commercial Premise submitting an Application for Credit shall pay an application fee of $25.00 at the time of application.
5. Despite Schedule A:
   a. the minimum charge for depositing Dead Animals and Parts is $110.00
   b. the minimum charge for depositing Asbestos is $165.00
   c. a surcharge of fifty (50) percent will be applied to Mixed Loads
   d. a handling fee of $75 will apply to dispose of Auto Hulks
   e. a handling fee of $10 will apply per Mattress (any size)
   f. *Septic Sludge will be accepted free of charge from residential premises in the Cable Car Neighbourhood and from 1846 to 2727 on Kitamaat Village Road.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

## Schedule A – Fee Schedule

Schedule A.1

| Solid Waste Category | 2023 | 2024 | 2025 | 2026 | 2027 |
|---|---|---|---|---|---|
| Minimum charge (less than 100kg) | NA | $5.00 | $10.00 | $10.00 | $10.00 |

Schedule A.2

| Solid Waste Category | 2023 | 2024 | 2025 | 2026 | 2027 |
|---|---|---|---|---|---|
| Garbage | $50.00 per tonne | $75.00 per tonne | $100.00 per tonne | $110.00 per tonne | $120.00 per tonne |
| Construction and Demolition Waste | $50.00 per tonne | $75.00 per tonne | $100.00 per tonne | $110.00 per tonne | $120.00 per tonne |
| Land Clearing Waste | $50.00 per tonne | $75.00 per tonne | $100.00 per tonne | $110.00 per tonne | $120.00 per tonne |
| Mixed Load | $50.00 per tonne | $75.00 per tonne | $100.00 per tonne | $110.00 per tonne | $120.00 per tonne |
| **Controlled Waste** | | | | | |
| Asbestos | $50.00 per tonne | $75.00 per tonne | $100.00 per tonne | $110.00 per tonne | $120.00 per tonne |
| Asphalt | $25.00 per tonne | $37.50 per tonne | $50.00 per tonne | $55.00 per tonne | $60.00 per tonne |
| Concrete - no rebar | $25.00 per tonne | $37.50 per tonne | $50.00 per tonne | $55.00 per tonne | $60.00 per tonne |
| Concrete - with rebar | $50.00 per tonne | $75.00 per tonne | $100.00 per tonne | $110.00 per tonne | $120.00 per tonne |
| Dead Animals and Parts | $50.00 per tonne | $75.00 per tonne | $100.00 per tonne | $110.00 per tonne | $120.00 per tonne |
| Septic Sludge* | $20.00 per tonne | $30.00 per tonne | $40.00 per tonne | $50.00 per tonne | $50.00 per tonne |
| Soil Suitable for Onsite Use | $25.00 per tonne | $37.50 per tonne | $50.00 per tonne | $55.00 per tonne | $60.00 per tonne |
| Soil Not Suitable for Onsite Use | $50.00 per tonne | $75.00 per tonne | $100.00 per tonne | $110.00 per tonne | $120.00 per tonne |
| **Restricted Waste** | | | | | |
| Appliances (Ozone Depleting Substances (ODS) Containing Product) | No Charge | | | | |
| Automotive Batteries | No Charge | | | | |
| Clean Wood | No Charge | | | | |
| Propane Tank and Compressed Gas Cylinder | No Charge | | | | |
| Scrap Metal | No Charge | | | | |

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

| | | | | | |
|---|---|---|---|---|---|
| Tires on rims | $20/tire | $20/tire | $20/tire | $20/tire | $20/tire |
| Tires (rimless) | No Charge | | | | |
| Yard Waste | No Charge | $20.00 per tonne | $20.00 per tonne | $20.00 per tonne | $20.00 per tonne |

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

## Schedule "B"

### Charge Accounts

1. Schedule "B" forms part of the Division, unless the context requires otherwise, the following words and expressions have the following meanings:

   1.1. **"Account Holder"** means a person that holds a Charge Account;

   1.2. **"Applicant"** means a person who has submitted an Application for Credit;

   1.3. **"Application for Credit"** means an application for a Charge Account in the form established by the Municipal Engineer;

   1.4. **"Arrears"** with respect to a Charge Account means that an amount owing remains unpaid more than thirty (30) days after the date of invoice;

   1.5. **"Billing Address"** has the meaning assigned in Section 5 of Schedule B;

   1.6. **"Charge Account"** means an account held by a user of the Landfill Site at the District whereby the user is permitted to pay disposal fees on a monthly basis instead of paying at the time of disposal;

   1.7. **"Delinquent"** with respect to a Charge Account means that an amount owing remains unpaid more than thirty (30) after the date of a Notice of Arrears;

   1.8. **"Notice of Arrears"** means a written notice from the District to an Account Holder indicating that a Charge Account is in arrears.

2. A Person wishing to establish a Charge Account must submit a completed Application for Credit to the Finance Department.

3. The Finance Department shall examine and verify the references and credit history of the Applicant, and shall advise the Municipal Engineer of the creditworthiness of the Applicant.

4. Upon receipt of the report from the Finance Department under section 3, the Municipal Engineer may approve or deny an Application for Credit. The Municipal Engineer may deny an Application for Credit in any of the following circumstances:

   4.1. Where the Finance Department has advised that the Applicant is not creditworthy;

   4.2. Where the Municipal Engineer has reasonable grounds to believe the Applicant intends to deposit Prohibited Waste at the Landfill Site, or to deposit Solid Waste at the Landfill Site in a manner contrary to this Division; or

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4.3. Where the Applicant, or any principal, partner, director or officer of the Applicant has had a Charge Account cancelled within the previous five (5) years.

5. Invoices for amounts owing on Charge Accounts will be generated by the District on a monthly basis and delivered to the address provided by the Account Holder on the Application for Credit, or to such address as the Account Holder may from time to time furnish for that purpose (the **"Billing Address"**). The onus is upon the Account Holder to notify the District of any change in Billing Address.

6. The total amount owing on any invoice must be paid in full by the Account Holder to the District within thirty (30) days of the date of the invoice.

7. Any amount not paid to the District within thirty (30) days of the date of the invoice is in arrears and must be paid immediately, along with interest pursuant to Section 13 of Schedule B.

8. Where a Charge Account is in arrears the District shall deliver a Notice of Arrears to the Account Holder at the Billing Address.

9. Any amount not paid to the District within thirty (30) days of the date of a Notice of Arrears is delinquent and must be paid immediately, along with interest pursuant to Section 13 of Schedule B.

10. Any Charge Account that is delinquent shall be suspended until such time as all amounts owing, including interest, are paid in full. During the period of suspension, the Account Holder must pay all disposal fees at the time of disposal.

11. Any Charge Account that becomes delinquent more than once shall be subject to immediate cancellation.

12. The District may refer any delinquent Charge Account to a third party collection agency at any time.

13. In addition to any other penalty imposed under the Division, any amount owing on a Charge Account that is not paid within thirty (30) days of the date of invoice shall bear interest at the rate of eighteen percent (18%) per year, calculated and accruing daily, from and including the first date upon which the account falls into arrears, and such interest shall form part of the amount in arrears.

14. The Municipal Engineer may, in addition to any other penalty imposed under the Division, cancel a Charge Account where the Account Holder has deposited Prohibited Waste at the Landfill Site, or has deposited Solid Waste at the Landfill Site in a manner contrary to the Division. As may be determined, in the sole discretion of the Municipal Engineer. During an investigation the charge account will be held in abeyance.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

# Schedule "C"
## Controlled Waste

1. Schedule C lists Controlled Waste and applicable specifications and restrictions for disposal at the Landfill Site:

| Controlled Waste | Specifications and Restrictions |
|---|---|
| Asbestos- Friable | - Approval of completed Controlled Waste Application required.<br>- Hauler will be given a disposal time. Failure to show up at the correct time, or failure to notify the Site Operator may result in a penalty or refusal to dispose<br>- Forty-eight (48) hours prior notice must be obtained before disposal<br>- Material must be manifested or documented as required by the *Environmental Management Act*<br>- Material must be disposed of, transported and contained as required by the *Environmental Management Act*<br>- Failure to contain material as required by the *Environmental Management Act* may result in refusal to dispose<br>- Site Restrictions may apply<br>- Special handling Fees may apply |
| Asbestos- Non Friable | - Approval of completed Controlled Waste Application required.<br>- Hauler will be given a disposal time. Failure to show up at the correct time, or failure to notify the Site Operator may result in a penalty or refusal to dispose<br>- Forty-eight (48) hours prior notice must be obtained before disposal<br>- Material must be disposed of, transported and contained as required by the *Environmental Management Act*<br>- Site Restrictions may apply<br>- Special handling fees may apply |
| Auto Hulks | - Auto Hulk must have the following removed prior to disposal: tires, antifreeze, lubricating oils, brake fluids, transmission fluids, ozone depleting substances, gaseous and liquid fuels and batteries<br>- Site restrictions may apply<br>- Special handling fees may apply |
| Concrete | - Site restrictions may apply<br>- Special handling fees may apply |
| Dead Animals and Parts | - Material must be deposited three (3) hours prior to closing<br>- Site restrictions may apply<br>- Special handling fees may apply |
| Gypsum Board or Wallboard | - Site restrictions may apply<br>- Special handling fees may apply |
| Recyclable Materials | - Site restrictions may apply<br>- Special handling fees may apply |

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

| Controlled Waste | Specifications and Restrictions |
|---|---|
| Septic Sludge | - Approval of Controlled Waste Application may be required for several or more loads from a single site.<br>- Material must be residential pre-digested septic waste |
| Sharps | - Approval of Controlled Waste Application required. |
| Soils Suitable for On-site Use and Soils Unsuitable for On-site Use | - Approval of Controlled Waste Application required.<br>- Forty-eight hours (48) prior notice must be obtained before disposal<br>- Site restrictions may apply<br>- Special handling fees may apply |
| Wood ash from commercial operations | - Site restrictions may apply<br>- Special handling fees may apply |

**General Regulations**

2. Where an approved Controlled Waste Application is required to dispose of Controlled Waste, the following requirements apply:

2.1 The Person who has generated the Controlled Waste must complete a Controlled Waste Application and submit it to the Municipal Engineer for approval as per Schedule C;

2.2 Controlled Waste must not be deposited unless the Municipal Engineer has approved the Controlled Waste Application which may include any terms and conditions of deposit the Municipal Engineer deems necessary or desirable to ensure compliance with this Division, the Operational Certificate, and any other applicable law;

2.3 Subject to the terms and conditions of the applicable Controlled Waste Application, an appointment for deposit must be made with the Site Operator a minimum of forty-eight (48) hours prior to deposit of Controlled Waste;

2.4 The Person depositing Controlled Waste must produce the applicable Approved Controlled Waste Application to Site Personnel upon arrival at the Landfill Site;

2.5 Controlled Waste must be inspected and accepted by Site Personnel prior to being deposited;

2.6 Loads of Controlled Waste must be of one type only and from no more than one source unless the Approved Controlled Waste Application specifies otherwise;

2.7 Controlled Waste must be kept separate from any other type of Solid Waste;

2.8 If the terms and conditions of an approved Controlled Waste Application are not met, Site Personnel may refuse to allow deposit;

2.9 Any deposit of Controlled Waste must be conducted so as to minimize health and safety risks;

2.10 The amount of Controlled Waste deposited on any occasion must not exceed the operational capacity of the Landfill Site, and the Municipal Engineer may refuse to authorize a Controlled Waste Application where the type or quantity of Controlled Waste sought to be deposited would be contrary to the terms of the Operational Certificate;

2.11 Notwithstanding the above, in cases of an emergency or hardship, the Municipal Engineer may permit the deposit of Controlled Waste before the applicable application period elapses, without a minimum of forty-eight (48) hours' notice, and outside regular appointment hours.

3. Where a Controlled Waste Application is not required to dispose of Controlled Waste, the following apply:

3.1 The Person disposing of the Controlled Waste is required to contact the Site Personnel to arrange for disposal

3.2 Controlled Waste must not be deposited unless the Site Personnel has approved the disposal, which may include any terms and conditions of deposit the Site Personnel deems necessary or desirable to ensure compliance with this Division, the Operational Certificate, and any other applicable law;

3.3 Controlled Waste must be inspected and accepted by Site Personnel prior to being deposited;

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

3.4 Loads of Controlled Waste must be of one type only;
3.5 Controlled Waste must be kept separate from any other type of Solid Waste;
3.6 If the above conditions are not met, Site Personnel may refuse to allow deposit;
3.7 Any deposit of Controlled Waste must be conducted so as to minimize health and safety risks;
3.8 The amount of Controlled Waste deposited on any occasion must not exceed the operational capacity of the Landfill Site, and the Site Personnel may refuse to allow deposit where the type or quantity of Controlled Waste sought to be deposited would be contrary to the terms of the Operational Certificate;
2.11 Notwithstanding the above, in cases of an emergency or hardship, the Municipal Engineer may permit the deposit of Controlled Waste before the applicable application period elapses, without a minimum of forty-eight (48) hours' notice, and outside regular appointment hours.

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PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

# Schedule "D"
## Restricted Waste

1. Schedule D lists Restricted Waste:

| Recyclable Materials | Specifications and Restrictions |
|---|---|
| Appliances (Ozone Depleting Substances (ODS) Containing Product) | - Appliances must contain no food products and be empty<br>- Site restrictions may apply<br>- Special handling fees may apply |
| Automotive Batteries | - Site restrictions may apply<br>- Load restrictions may apply |
| Corrugated cardboard | - Site restrictions may apply |
| Industrial Camp Waste | - Site restrictions may apply<br>- Special handling fees may apply<br>- Authorization required |
| Industrial Waste | - Site restrictions may apply<br>- Special handling fees may apply<br>- Authorization required |
| Organic Material | - Site restrictions may apply |
| Propane Tank (Compressed Gas Cylinder) | - Site restrictions may apply<br>- 1 propane tank per visit<br>- Propane tank must be empty<br>- Only 20 lbs propane tank accepted |
| Polystyrene Foam Packaging | - Site restrictions may apply |
| Scrap Metal | - Site restrictions may apply<br>- Special handling fees may apply |
| Tires | - Passenger and Light Truck tires, medium truck tires and off road vehicle tires<br>- Special handling fees may apply<br>- Site restrictions may apply |
| Yard Waste | - Site restrictions may apply<br>- Special handling fees may apply |
| Recyclables (as defined in Schedule F) | - Site restrictions may apply<br>- Special handling fees may apply<br>- Load restrictions may apply |

**Restricted Waste Regulations**

2. Restricted Waste is recyclable or compostable and must be kept separate from other types of Solid Waste when deposited at a Landfill Site, and must be deposited in the designated location at the Landfill Site.
3. Tires from cars and light trucks are accepted for recycling through the Tire Stewardship BC program. Tires on rims have a surcharge for handling.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

# Schedule "E"
## Prohibited Waste

**Definition**

1. Schedule E lists Class A Prohibited Waste and shall not be disposed of at the Landfill Site:
    1. Alum pond or lime sludge in dewatered form
    2. Automotive Batteries except as permitted within this Division
    3. Cattle Carcasses
    4. Empty steel and plastic drums, unless they are crushed, shredded, or similarly reduced in volume to the maximum practical extent
    5. Explosives
    6. Fencing wire
    7. Fuels
    8. Hazardous Waste as defined in *Hazardous Waste Regulation*
    9. Household batteries
    10. Ignitable Waste
    11. Industrial chemical waste
    12. Lithium-Ion batteries
    13. Free Liquid as defined in *Hazardous Waste Regulation*
    14. Used Oil and Lubricants
    15. Material that is on fire or smouldering
    16. Material that was previously on fire and has not been extinguished for at least thirty (30) days except with a letter from the Kitimat Fire Department stating it has been fully extinguished and is ready for disposal
    17. Ozone Depleting Substances except as permitted within this Division
    18. Paints and solvents
    19. Radioactive Waste as defined in *Hazardous Waste Regulation*
    20. Reactive Waste as defined in *Hazardous Waste Regulation*
    21. Grease from restaurants and mobile food vendors
    22. Septic Sludge, except as permitted within this Division
    23. Wire rope

### Prohibited Waste Regulations

2. No person shall deposit or attempt to deposit Prohibited Waste at the Landfill Site.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

# Schedule "F"
## Recyclables

1. Recyclables are Extended Producer Responsibility (EPR) Materials accepted for deposit under a Product Stewardship program.

2. Site restrictions and special handling fees may apply.

PART 7 - PUBLIC HEALTH
Division 3 - Fetal Alcohol Syndrome Warning Signs

Subdivision 1 - Interpretation

7.3.1. 1. In this Division, unless the context otherwise requires:

"Licenced Establishment" means any establishment licenced under the provisions of the Liquor Control and Licencing Act to sell alcoholic beverages;

"Proprietor" shall mean the person or persons who control, govern or direct the activity carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof.

Subdivision 2 - Signs

7.3.2. 1. The proprietor of every licenced establishment shall ensure that sign or signs warning of Fetal Alcohol Syndrome shall be installed and maintained as prescribed in this bylaw.

2. Signs warning of Fetal Alcohol Syndrome shall meet the following minimum requirements:

a. For any licenced premises which is permitted to sell alcohol beverages for off premises consumption, there shall be at least one sign, located so it is clearly visible from the point where sale or dispensing of the alcoholic beverages takes place.

b. For any licenced premise which permits the consumption of alcoholic beverages on the premises, there shall be one sign, conspicuously displayed in each public ladies washroom located within the premise.

c. Each sign required hereunder shall have a minimum dimension of 21.5 cm (8-1/2 in.) by 21.5 cm (8-1/2 in.).

Subdivision 2 - Signs (Continued)

7.3.2. 2. d. Lettering on the sign shall be in bold print, white on a red background and shall be a minimum of 1 cm (3/8 in.) in height.

e. The wording on the sign shall be as follows:

"WARNING
DRINKING DISTILLED SPIRITS, BEER, COOLERS, WINE AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS"

f. Signs shall be substantially in the form and style as that set out in Schedule "A", attached to and forming part of this bylaw."

SCHEDULE "A"

**Sign in RED, Letters in WHITE**

# WARNING:
# DRINKING DISTILLED SPIRITS, BEER, COOLERS, WINE AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS.

KITIMAT MUNICIPAL CODE

PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

Subdivision 1 - Interpretation

7.4.1. 1. In this Division, unless the context otherwise requires:

**Caretaker** means the Municipal Engineer or their delegate.

**Cemetery** means land that is set apart or used as a place of Interment of Human Remains or Cremated Remains and includes any incidental or ancillary buildings on the land.

**Cemetery Care Fund** means a fund for the care and maintenance of a place of Interment.

**Cemetery Columbarium** means the structure in the Cemetery, owned and managed by the District, that contains, as an integral part of the structure or building or as free-standing sections, Niches to inter Cremated Remains.

**Cemetery Mausoleum** means the structure in the Cemetery that contains, as an integral part of the structure or building or as free-standing sections, Niches to inter Cremated Remains and Crypts to inter Human Remains and Cremated Remains.

**Child** means any person one year old up to and including twelve (12) years of age.

**Clerk** deleted by Bylaw No. 2060, 2024.

**Council** means the Council of the District of Kitimat.

**Cremated Remains** means human bone fragments that remain after cremation.

**Cremation, Interment and Funeral Services Act** means the *Cremation, Interment and Funeral Services Act*, S.B.C. 2004, c. 35, its Regulations, and any amendments thereto.

**Crypt** means one space in the Cemetery Mausoleum and is intended to be used for the entombment of one casket and one Cremated Remains.

**Director of Public Works** deleted by Bylaw No. 2060, 2024.

**Disinterment** means the removal, for permanent relocation, of human remains and the container, or any of the remaining container, holding the Human Remains.

**District** means the District of Kitimat.

**Division** means Part 7 – Public Health, Division 4 – Cemeteries of the *Kitimat Municipal Code*.

**Engineer** deleted by Bylaw No. 2060, 2024.

**Exhumation** means the exposure and removal of interred Human Remains for viewing or for examination.

**Health Officer** means the person appointed under the *Public Health Act*, S.B.C. 2008, c. 28, its Regulations and any amendments thereto.

**Human Remains** means a dead human body in any stage of decomposition but does not include Cremated Remains.

**Infant** means any person up to the age of one year.

**Interment** means disposition by:

(a) burial of Human Remains or Cremated Remains;,
(b) entombment of Human Remains or
(c) inurnment of Cremated Remains.

**Licence** means a Licence for Columbarium Space, Licence for Mausoleum Space, or Licence for Reserve Plots.

**Licence for Columbarium Space** means the licence in a form as determined by the Municipal Engineer issued to the purchaser of a Niche in the Cemetery Columbarium in accordance with this Division stating the purchaser name, date of purchase, space purchased, and fee for purchase.

**Licence for Mausoleum Space** means the licence in a form as determined by the Municipal Engineer issued to the purchaser of a Crypt or Niche space in the Cemetery Mausoleum in accordance with this Division stating the purchaser name, date of purchase, space purchased, and fee for purchase.

**Licence for Reserve Plots** means the licence in a form as determined by the Municipal Engineer issued to the purchaser of a cemetery space in accordance with this Division stating the purchaser name, date of purchase, space purchased, and fee for purchase.

**Mausoleum Memorian** deleted by Bylaw No. 2060, 2024.

**Mayor** deleted by Bylaw No. 2060, 2024.

**Medical Health and Health Officer** deleted by Bylaw No. 2060, 2024.

**Memorial** means a tombstone, monument, plaque or other marker on a grave or plot, or an inscription of ornamentation on a crypt or niche front use to identify a lot or memorialize a deceased person.

**Memorial Wall** means the wall established in the Cemetery Mausoleum for the purpose of displaying Memorial markers.

**Minister** deleted by Bylaw No. 2060, 2024.

**Municipal Engineer** means the Municipal Engineer for the District of Kitimat or their delegate.

**Niche** means one space for the Interment of urns containing Cremated Remains. Unless otherwise stated in this Division, the number of urns contained within one Niche is limited by the size of the Niche and the size of the urns

**Non-Resident** means any person who has not lived within the municipal limits for more than one year.

**Permit** means a Cemetery Interment Permit, Mausoleum Interment Permit or Columbarium Interment Permit.

**Permit – Cemetery Interment** means the permit in the form determined by the Municipal Engineer for the Interment of remains in the Cemetery which will include the date issued, name of the applicant, name of the person being interred, grave space, and date and time of Interment.

**Permit – Mausoleum Interment** means the permit in the form determined by the Municipal Engineer for the Interment of remains in the Cemetery Mausoleum which will include the date issued, name of the applicant, name of the person being interred, Crypt or Niche space, and date and time of Interment.

**Permit – Columbarium Interment** means the permit in the form determined by the Municipal Engineer for the Interment of remains in the Cemetery Columbarium which will include the date issued, name of the applicant, name of the person being interred, Niche space, and date and time of Interment.

**Shutter** means the veneer plate of granite covering Crypts and Niches and to which may be attached approved Memorial markers.

**Statutory Holiday** means a day recognized by the provincial or federal government as a Statutory Holiday.

**Treasurer** deleted by Bylaw No. 2060, 2024

**Urn** means a container used to store Cremated Remains. Urns may contain the Cremated Remains of more than one person.

Subdivision–2 - Designated Lands

7.4.2. 1. The following lands have been set aside, operated, used or maintained as a Cemetery by the District:

KITIMAT MUNICIPAL CEMETERY, legally described as being:

- Lot 1, District Lot 6041, Range 5 Coast District Plan 3562; and
- Lot 2, District Lot 6041, Range 5 Coast District Plan 3562

Subdivision–3 - Cemetery Plans

7.4.3. 1. Deleted by Bylaw No. 2060, 2024.

2. Cemetery plans shall be submitted in accordance with the *Cremation, Interment and Funeral Services Act*.

Subdivision–4 - Licence to Use the Cemetery

7.4.4. 1. Council may, by agreement with a society, church or other organization, reserve a section of the Cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization concerned, and upon such an agreement being made, no person shall be issued with a Licence for Reserve Plots or Cemetery Interment Permit, unless the application to the District to purchase is accompanied by a certificate from the society, church or organization concerned, stating that they, or the person on whose behalf they may be acting, is entitled to burial in the reserved section. All Licences issued and services rendered by the District under these conditions shall be subject to payment at the regular rates set forth in the schedule of rates attached hereto Schedule C of this Division.

Subdivision–5 - Licence for Reserved Lots

7.4.5. 1. Deleted by Bylaw No. 2060, 2024.

2. The District may grant to any person, upon payment of the associated fee, and subject to the terms of Section 7.4.4. of the *Kitimat Municipal Code*, a Licence for Reserve Plots of any grave space which may be vacant and unlicenced in the Cemetery.

3. The District may grant to any person, upon payment of the associated fee, a Licence for Mausoleum Space of any Crypt or Niche which may be vacant and unlicenced in the Cemetery Mausoleum.

4. The District may grant to any person, upon payment of the associated fee, a Licence for Columbarium Space of any Crypt which may be vacant and unlicenced in the Cemetery Columbarium.

Subdivision–6 - Limiting Sales

7.4.6. 1. The District reserves the right to limit the issuing of Licences to any one person to two (2) Licences.

Subdivision–7 - Transfer of Licence

7.4.7. 1. Where the holder of a Licence for Reserve Plots in the Cemetery wishes to transfer that Licence to another person, they shall first provide the Municipal Engineer with details include the space being transferred, name and address of transferee, the consideration to be paid for transfer of the Licence, and such other information as the Municipal Engineer may reasonably request. The provision of such information shall not bind the District to accept or permit the proposed transfer.

2. If the Licence for Reserve Plots to be transferred relates to a grave space located in an area reserved under an agreement made between the District and an organization pursuant to Section 7.4.4. of the *Kitimat Municipal Code*, the requirements of Section 7.4.4. of the *Kitimat Municipal Code* apply.

3. Upon acceptance by the District of the transfer fee prescribed “in Schedule C attached hereto, and upon compliance with the requirements of this Division by the Licence holder and the person to whom the Licence is to be transferred, the Municipal Engineer shall effect the desired transfer by an endorsement upon the Licence and shall record the transfer in the books or other records kept for that purpose.

Mausoleum

4. Where the holder of a Licence for Mausoleum Space in the Cemetery Mausoleum wishes to transfer that Licence to another person, they shall first provide the Municipal Engineer with details including the Crypt or Niche space being transferred, the name and address of transferee, the consideration to be paid for transfer of the Licence, and such other information as the Municipal Engineer may reasonably request. The provision of such information shall not bind the District to accept or permit the proposed transfer.

5. Upon acceptance by the District of the transfer fee prescribed in Schedule C of this Division, and upon compliance with the requirements of this Division by the Licence holder and the person

to whom the Licence is to be transferred, the Municipal Engineer shall effect the desired transfer by an endorsement upon the Licence and shall record the transfer in the books or other records kept for that purpose.

Columbarium

6. Where the holder of a Licence for Columbarium Space in the Cemetery Columbarium wishes to transfer that Licence to another person, they shall first provide the Municipal Engineer with details including the Crypt space being transferred, the name and address of transferee, the consideration to be paid for transfer of the Licence, and such other information as the Municipal Engineer may reasonably request. The provision of such information shall not bind the District to accept or permit the proposed transfer.

7. Upon acceptance by the District of the transfer fee prescribed in Schedule C of this Division, and upon compliance with the requirements of this Division by the Licence holder and the person to whom the Licence is to be transferred, the Municipal Engineer shall effect the desired transfer by an endorsement upon the Licence and shall record the transfer in the books or other records kept for that purpose.

Subdivision 8 - Licence Regulations

7.4.8. 1. All Licences issued for use of space in the Cemetery shall be subject to the provisions of this Division and the *Cremation, Interment and Funeral Services Act*.

Subdivision 9 - Fees and Charges

7.4.9. 1. The fees for Exhumation, Interment, Disinterment, use of grave space and care of graves, and the charges for goods offered for sale by the District for use in the Cemetery, and any other Cemetery fees shall be those set out in Schedule C of this Division of this Division.

2. The fees set out in Schedule C of this Division to this Division shall be paid at the District Offices at the time of purchasing a Licence or Permit, or any goods or services sold by the District in connection with the operation of the Cemetery.

Subdivision–10 - Size of Grave Spaces

7.4.10. 1. The size of grave spaces in any Cemetery expansion shall be:

| | |
|---|---|
| Adult - 1.5 m x 3.0 m | Infant - 1.3 m x 1.3 m |
| Child - 1.3 m x 2.0 m | Cremated Remains - 0.6 m x 0.6 m |

Subdivision–11 - Permission to Inter, Disinter or Exhume

7.4.11. 1. No Interment, Disinterment, or Exhumation of Human Remains or Cremated Remains shall occur in the Cemetery, Cemetery Mausoleum, or Cemetery Columbarium until a Permit has been obtained from the District and the appropriate fee as specified in Schedule C has been paid to the District, except as may be permitted under the terms of section 7.4.13. of the *Kitimat Municipal Code.*

Subdivision 12 – Interment

7.4.12. 1. Deleted by Bylaw No. 2060, 2024.

2. All applications for a Permit must be made to the Municipal Engineer at the District municipal office during regular business hours at least forty-eight (48) hours prior to Interment in accordance with the *Cremation, Interment and Funeral Services Act*. Except as may be permitted under Subdivision 7.4.13.

3. Any person who makes application for a Permit or who requires an Interment to be made, shall provide the Municipal Engineer with information in accordance with the *Cremation, Interment and Funeral Services Act* and any other information which it is reasonable for the Municipal Engineer to request.

4. No person shall be granted a Permit to inter in an area of the Cemetery which Council has reserved under the provisions of Section 7.4.4. of the *Kitimat Municipal Code* except in accordance with Section 7.4.4. of the *Kitimat Municipal Code*.

5. Interment will be done in accordance with the *Cremation, Interment and Funeral Services Act*.

Subdivision–13 - Health Officer Direction

7.4.13. 1. Deleted by Bylaw No. 2060, 2024.

2. Deleted by Bylaw No. 2060, 2024.

3. Deleted by Bylaw No. 2060, 2024.

4. Where an order is issued by the Health Officer in accordance with the *Cremation, Interment and Funeral Services Act*, the District will follow the direction of the Health Officer.

Subdivision–14 – Exhumation, Disinterment, removal/Reinterment

7.4.14. 1. Exhumation, Disinterment and removal/Reinterment of Human Remains shall be done in accordance with the *Cremation, Interment and Funeral Services Act*.

2. The applicant of the Exhumation, Disinterment and removal/Reinterment of Human Remains shall arrange and pay for the services of a licensed funeral home in addition to District fees as set out in Schedule C of this Division.

Subdivision–15 - Cremation

7.4.15. 1. No person shall bury, cremate, or otherwise dispose of Human Remains, or bury or otherwise dispose of Cremated Remains within the municipal boundary of the District except in accordance with *Cremation, Interment and Funeral Services Act.*

Subdivision–16 - Interment in the Cemetery

7.4.16. 1. Only Human Remains or Cremated Remains shall be interred in the Cemetery and all Interments shall be subject to and comply with the provisions of this Division.

2. The holder of a Licence or Permit in the Cemetery shall not permit an Interment to be made in the Cemetery space to which the Licence refers, nor transfer or dispose of the said Cemetery space to another person, group or organization, except in accordance with this Division.

3. Deleted by Bylaw No. 2060, 2024.

4. Deleted by Bylaw No. 2060, 2024.

5. Each Interment in the Cemetery, other than the Interment of Cremated Remains, shall provide for not less than one (1) metre of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket or grave liner enclosing the Human Remains in the grave.

6. Only one Human Remain is to be interred in each grave space in the Cemetery.

7. Notwithstanding Section 7.4.16.6 of the *Kitimat Municipal Code* the Interment of up to two Cremated Remains may be made in the area above the interred Human Remains. Where two Cremated Remains are interred, one Memorial marker for single grave plots is allowed.

8. Each Interment of Cremated Remains shall be interred in the Cemetery:
   a) in a container encased in concrete not less than 40 mm thick, and shall be buried in the grave not less than 0.6 m deep; or
   b) Notwithstanding 7.4.16.8(a) of the *Kitimat Municipal Code*, where the concrete encased container of Cremated Remains is used as a foundation-base for a tablet memorial installed on the grave, the container may be buried according to the requirements of Section 7.4.21. of the *Kitimat Municipal Code.*

9. A grave liner meeting the District's requirements shall be used for each Interment, except where Cremated Remains are interred according to the requirements of Section 7.4.16.8 of the *Kitimat Municipal Code*.

10. No person shall inter any Human Remains or Cremated Remains in the Cemetery except:

    a) between the hours of 10:00 a.m. and 2:00 p.m.; or
    b) as directed in writing by the Municipal Engineer; or
    c) in accordance with Section 7.4.13 of the *Kitimat Municipal Code*.

11. No person shall inter any Human Remains or Cremated Remains in the Cemetery on Saturday or Sunday or any Statutory Holiday without:
    a) the written permission of the Municipal Engineer; or
    b) in accordance with Section 7.4.13 of the *Kitimat Municipal Code*.

12. No grave shall be dug or opened by any person except as authorized by the Municipal Engineer.

Subdivision–17 - Mausoleums and Above-ground Vaults

7.4.17. 1. A License for Mausoleum Space or Mausoleum Interment Permit will be issued in accordance with this Division and the following:

Interment in the Mausoleum

(a) Arrangements for Interment in the Cemetery Mausoleum will be made in accordance with section 7.4.12 of the *Kitimat Municipal Code.*

(b) No person shall inter any Human Remains or Cremated Remains in the Cemetery Mausoleum except:
    a) between the hours of 10:00 a.m. and 2:00 p.m.; or
    b) as directed in writing by the Municipal Engineer.

(c) No person shall inter any Human Remains or Cremated Remains in the Mausoleum on Saturday or Sunday or any Statutory Holiday without the written permission of the Municipal Engineer.

(d) No sale, assignment or transfer of Crypts and Niches or of rights of Interment therein, shall be made without the written consent of the Municipal Engineer which consent will not be withheld unreasonably.

(e) An assignment or transfer of Interment rights for Crypts and Niches may be made by the owner of such rights. After an Interment has been made in a Crypt, no assignment or transfer will be permitted.

(f) Deleted by Bylaw No. 2060, 2024.

(g) The fees for Interment and Disinterment, use of Crypts and Niches, installations of Memorials and any other fees are as set out in Schedule C of this Division.

(h) All Interments, Disinterments and removals from Crypts and Niches shall be done in accordance with this Division and the *Cremation, Interment and Funeral Services Act*.

Caskets and Urns

(i) External dimensions of a casket to be placed in any Crypt shall not exceed 61 cm (2'0") high by 76 cm (2'6") wide by 221 cm (7'3") long.

(j) Urns to be placed into outside Niches shall be made of metal, stone or porcelain or plastic and shall be manufactured for the express purpose of containing Cremated Remains. The number of urns contained within an outside Niche is limited only by the size of the urns and the size of the Niche. A maximum of two Memorial markers are permitted for each outside Niche regardless of the number of urns contained therein.

(k) Urns to be placed into inside Niches shall be made of bronze metal. Inside Niches are designed to contain four (4) or two (2) urns. An inside Niche shall contain no more than the maximum number of urns for which it is designed.

Mausoleum General

(l) No Memorial marker shall be placed or installed until after Interment. Memorial marker fees are as set out in Schedule C of this Division. Payment of all applicable fees shall be payable before installation of a Memorial marker.

(m) Cemetery Mausoleum Memorials shall be in the form as set out in this Division.

(n) All improvements, alterations and embellishments of Crypts or Niches or areas in the Cemetery Mausoleum shall be done in accordance with this Division. Improvements, alterations and embellishments made contrary to this Division shall be removed, without notice, at a charge to the Crypt or Niche owner. The District may remove items placed in the Cemetery Mausoleum where considered to be detrimental to the beauty of the Cemetery Mausoleum or their presence impedes maintenance. The District assumes no responsibility for items removed under this Division.

(o) No person may visit the Cemetery Mausoleum except in accordance with section 7.4.22.9 of the *Kitimat Municipal Code.*

(p) Deleted by Bylaw No. 2060, 2024.

(q) Wherever in the rules and regulations of a cemetery such terms as interment, burial, lot, etc. appear, these terms shall be extended in meaning to include corresponding terms as are applicable to crypt or niche spaces.

(r) No person shall be permitted to burn incense or candles or other flammable products in the Cemetery Mausoleum at any time.

(s) The Interment of one casket only is permitted in each Crypt. Notwithstanding, one Cremated Remains may be interred in a Crypt in addition to a casket so long as the Interment of the Cremated Remains is done at the same time as or prior to the Interment of the casket.

Mausoleum Memorials

2. Cemetery Mausoleum Memorials shall be allowed in accordance with Schedule F of this Division and the following:

(a) Flowers

Containers shall hold artificial flowers only and must be permanently affixed to the Shutters of Crypts and may be used only if such container has been specifically manufactured for this purpose and is made of a bronze alloy.

(b) Inscriptions

Memorial must comply with Schedule F of this Division.

(c) Crypt Name Plate

Crypt Name Plate must comply with Schedule F of this Division.

(d) Niche Name Plate

Niche Name Plate must comply with Schedule F of this Division.

(e) Memorial Wall Plate

Memorial Wall Plate must comply with Schedule F of this Division.

(f) Crypt Portraits

Only pictures of the deceased are allowed to be affixed to the face of a Crypt or outside Niche. The pictures must be in a frame 5.7 cm (2”1/4") by 7 cm (2”3/4") cast in bronze alloy, manufactured specifically for this purpose.

(g) Glass Niches

The names of deceased shall be engraved at the discretion of the owner of the Niches. Name plates made of bronze coloured plastic with black engraved lettering may be placed inside the glass Niche adjacent or in front of each urn. No opportunity exists for exterior Memorial markers on glass Niches.

Subdivision–18 - Cemetery Caretaker

7.4.18 1. Deleted by Bylaw No. 2060, 2024

2. Deleted by Bylaw No. 2060, 2024

Subdivision–19 - Administration

7.4.19. 1. The Municipal Engineer shall maintain records in accordance with the *Cremation, Interment and Funeral Services Act.*

2. The Municipal Engineer is hereby authorized on behalf of the District and subject to the provisions of this Division to establish the form of and grant a Licence.

3. The Municipal Engineer is hereby authorized on behalf of the District and subject to the provisions of this Division to establish the form of and grant a Permit.

4. Deleted by Bylaw No. 2060, 2024.

Subdivision–20 - Cemetery Care Fund

7.4.20.

1. A fund shall be established to be known as the Cemetery Care Fund and such fund shall be administered in accordance with the requirements of the *Cremation, Interment and Funeral Services Act*.

2. Deleted by Bylaw No. 2060, 2024.

3. Licences for Cemetery space sold shall be subject to the Cemetery Care Fund.

4. On all Permits or Licences for Cemetery space the amount required to be used for Cemetery Care Fund purposes shall be specified in Schedule C of this Division.

5. On any Permit or Licence sold prior to installation by any person a Memorial shall pay to the District a $10.00 fee to the Cemetery Care Fund.

6. Deleted by Bylaw No. 2060, 2024.

7. Deleted by Bylaw No. 2060, 2024.

8. Deleted by Bylaw No. 2060, 2024.

9. Deleted by Bylaw No. 2060, 2024.

10. The District may exercise its option of reclamation of right of Interment previously sold in accordance with the *Cremation, Interment and Funeral Services Act*.

11. Unless otherwise noted, the Cemetery Care Fund is established at 25 (Twenty-five) percent.

Subdivision 21 - Memorials

7.4.21.

1. Deleted by Bylaw No. 2060, 2024.

2. No grave or grave space in the Cemetery shall be defined by a fence, hedge, or railing, and no Memorial other than as specified in 7.4.21.3. of the *Kitimat Municipal Code* may be installed on a grave.

3. A tablet type Memorial may be installed on a grave in the Cemetery provided the installation fee, as set out in Schedule C of this Division, is paid and conforms to the following:

a. each Memorial tablet shall be installed in a position on the grave as directed by the Municipal Engineer and shall have its top surface set level and flush with the surface of the surrounding ground;

a.1 a memorial tablet must be made of stone or bronze;

b. each bronze Memorial tablet shall be attached to a concrete base not less than 10 cm (4") thick, with side surfaces true and perpendicular with top surface of the attached tablet;

c. each stone Memorial tablet shall be not less than 10 cm (4") thick and shall have its side surfaces true and perpendicular with its top surface;

d. except as permitted otherwise in 7.4.21.3.e. the top surface of Memorial tablets and concrete bases shall measure as follows:

| | | MAXIMUM SIZE (in mm) |
|---|---|---|
| (1) | on single grave plots | 400 X 710 |
| (2) | on two grave plots | 400 X 1120 |
| (3) | on cremation plots: | |
| | single | 250 X 410 |
| | double (one plot) | 300 X 510 |
| | double (two plots) | 310 X 710 |

e. a bronze Memorial tablet intended for installation on the grave of an adult or Child may be smaller than its concrete base provided the concrete base conforms to the size for the grave as required by 7.4.21.3.d. of the *Kitimat Muncipal Code* above, and provided the part of the base extending beyond the tablet does not exceed 5 cm (2") wide and has a smooth, slightly bevelled surface to shed water at its outer edges;

f. one Memorial tablet per interment may be installed on each grave, but where two related persons are buried side by side in adjacent graves, one tablet which provided for the memorialization of both persons may be used instead of two separate tablets provided the single tablet so used is set to embrace evenly the two graves concerned;

g. on a Cremated Remains size grave a Memorial base which conforms to the requirements of 7.4.21.3.d. and which supports either a stone or bronze tablet, may enclose one or two containers of Cremated Remains, as permitted by the terms and requirements of 7.4.16.8.

Subdivision 22 - General

7.4.22.

1. Cut flowers, wreaths and floral offerings may be placed on graves, but may be removed by the Caretaker when the condition is considered to be detrimental to the beauty of the Cemetery, or the presence impedes maintenance.

2. No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery, other than an employee of the District authorized by the Municipal Engineer.

3. All persons are prohibited from damaging or defacing any Memorial, fence, gate or structure in the Cemetery, or any improvements in the Cemetery.

4. No person shall enter the Cemetery in a vehicle after sunset, or drive a vehicle in the Cemetery at any time at a speed of more than 16 km/h (10 mph) and all vehicles and their drivers, while in the Cemetery grounds, shall be subject to the reasonable directions and orders of the Caretaker.

5. No person shall solicit orders for markers, tablets, Memorials, curbing, cappings, or like works within the limits of the Cemetery.

6. All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Caretaker, but any person not behaving with proper decorum within the Cemetery, or disturbing the quiet and good order of the Cemetery, may be evicted therefrom by the Caretaker.

7. Except in accordance with Section 47(b) the *Cremation, Interment and Funeral Services Act*, no person shall discharge firearms, other than during of a military funeral service, in the Cemetery. Notice in writing to the Municipal Engineer of a military funeral service is required.

8. No person shall interfere at the Cemetery in accordance with section 47 of the *Cremation, Interment and Funeral Services Act*.

8.1 No person shall disturb or interfere with persons in accordance with section 48 of the *Cremation, Interment and Funeral Services Act*.

9. No person shall enter or remain in the Cemetery during a period not within the posted visiting hours. In the absence of posted visiting hours, no person shall enter or remain in the Cemetery in accordance with section 49(1)(b) of the *Cremation, Interment and Funeral Services Act*.

9.1 A person or persons restricted by the Municipal Engineer in accordance with section 49(2) of the *Cremation, Interment and Funeral Services Act* shall comply with the direction of the Municipal Engineer.

10. Notwithstanding anything herein contained, the administration and operation of the Cemetery shall be carried out at all times in accordance with the *Cremation, Interment and Funeral Services Act.*

11. No person shall be permitted to burn incense or candles or other flammable products in the Cemetery at any time.

Subdivision 23 - Columbarium

7.4.23 1. A Licence for Columbarium Space or Columbarium Interment Permit will be issued in accordance with this Division and the following:

Interment in the Columbarium

(a) Arrangements for interment in the Cemetery Columbarium will be made in accordance with section 7.4.12 of the *Kitimat Municipal Code.*

(b) No person shall inter any Cremated Remains in the Cemetery Columbarium except:
a) between the hours of 10:00 a.m. and 2:00 p.m.; or
b) as directed in writing by the Municipal Engineer.

(c) No person shall inter any Cremated Remains in the Cemetery Columbarium on Saturday or Sunday or any Statutory Holiday without the written permission of the Municipal Engineer.

(d) No sale, assignment or transfer of Niches or of rights of Interment therein, shall be made without the written consent of the Municipal Engineer which consent will not be withheld unreasonably.

(e) An assignment or transfer of Interment rights for Niches may be made by the owner of such rights. After an Interment has been made in a Niche, no assignment or transfer will be permitted.

(f) The fees for Interment and Disinterment, use of Niches, installations of Memorials and any other fees are as set out in Schedule C of this Division.

(g) All Interments, Disinterments and removals from Niches shall be done in accordance with this Division and the *Cremation, Interment and Funeral Services Act*.

Urns

(h) Urns shall be made of metal, stone or porcelain or plastic and shall be manufactured for the express purpose of containing Cremated Remains.

(i) Niches are designed to contain four (4) urns. A Niche shall contain no more than the maximum number of urns for which it is designed.

Memorial

(j) Memorials, as set out in Schedule G of this Division, are permitted.

Columbarium General

(m) No Cemetery Columbarium marker shall be placed or installed until after Interment. Memorial marker fees are as set out in Schedule C of this Division. Payment of all applicable fees shall be payable before installation of a Memorial marker.

(n) Cemetery Columbarium Memorials shall be in the form as set out in this Division.

(o) All improvements, alterations and embellishments of Niches or area around the Cemetery Columbarium shall be done in accordance with this Division. Improvements, alterations and embellishments made contrary to this Division shall be removed, without notice, at a charge to the Niche owner. The District may remove items placed by the Cemetery Columbarium where considered to be detrimental to the beauty of the Cemetery or their presence impedes maintenance. The District assumes no responsibility for items removed under this Division.

(p) No person may visit the Cemetery Columbarium except in accordance with section 7.4.22.9 of the *Kitimat Municipal Code.*

(q) Wherever in the rules and regulations of a cemetery such terms as interment, burial, lot, etc. appear, these terms shall

be extended in meaning to include corresponding terms as are applicable to Niche spaces.

Columbarium Memorials

2. Cemetery Columbarium Memorials shall be allowed in accordance with Schedule G of this Division and the following:

(a) Flowers

Cut flowers, wreaths and floral offerings may be placed in the designated area, but may be removed by the Caretaker when the condition is considered to be detrimental to the beauty of the Cemetery, or the presence impedes maintenance.

(b) Niche Name Plate and Photograph

Niche Name Plate and Photographs must comply with Schedule G of this Division.

3. No person shall tamper, remove, or otherwise dispose of Cemetery Columbarium Memorials.

Subdivision 24 – Board of Cemetery Trustees

1. The District of Kitimat has established itself as a Board of Trustees in accordance with *Cremation, Interment and Funeral Services Act*.

PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

SCHEDULE A

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PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

SCHEDULE B

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SCHEDULE C

DISTRICT OF KITIMAT

FEES

A. CEMETERY

1. Grave Space Fees

| | Total Fee |
|---|---|
| Adult size (including Care Fund contribution of $52.50) | $210.00 |
| Adult size - non resident (including Care Fund contribution of $68.75) | $275.00 |
| Child size (including Care Fund contribution of $28.75) | $115.00 |
| Child size - non resident (including Care Fund contribution of $42.50) | $170.00 |
| Infant size (including Care Fund contribution of $26.25) | $105.00 |
| Infant size - non resident (including Care Fund contribution of $40.00) | $160.00 |
| Cremated remains size (including Care Fund contribution of $23.75) | $95.00 |
| Cremated remains size - non resident (including Care Fund contribution of $37.50) | $150.00 |

2. Services

Opening and closing grave for burial

| | |
|---|---|
| Adult size | $230.00 |
| Child size | $195.00 |
| Infant size | $150.00 |
| Cremated remains size | $90.00 |
| Disinterment/exhumation (administration fee) | $50.00 |
| (NB: Services of licenced funeral home are in addition to above disinterment/exhumation fee.) | |
| Burials after 2:00 p.m. Monday to Friday – extra | $ 70.00 |
| Burials on Saturday - extra | $275.00 |
| Burials on Sunday or Statutory Holiday - extra | $325.00 |
| Installation of Memorials (including $10.00 Care Fund contribution) | $55.00 |
| Transfer of Licence | $35.00 |

3. Goods

| | |
|---|---|
| Grave Liners: wooden rough box- Adult | $160.00 |
| - Child | $115.00 |
| - Infant or Ashes | $40.00 |
| Concrete Base for Bronze Tablets | $45.00 |

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SCHEDULE C (Continued)

B. CEMETERY MAUSOLEUM

1. Crypt & Niche Space Fees

Section A (same price list applies to Section B & varying levels)
(below prices include 28% Care Fund contribution - GST is extra)

**Westminster** (must be purchased with abutting Level 1 crypt)

| | | | |
|---|---|---|---|
| A-1-W/M | $ 8,000.00 | A-4-W/M | $18,500.00 |
| A-2-W/M | $ 8,000.00 | A-5-W/M | $ 8,000.00 |
| A-3-W/M | $18,500.00 | A-6-W/M | $ 8,000.00 |

| **Lounge (Level 1)** | | **Level 3** | |
|---|---|---|---|
| A-1-1 | $10,000.00 | A-1-3 | $10,975.00 |
| A-2-1 | $10,000.00 | A-2-3 | $10,975.00 |
| A-3-1 | $23,500.00 | A-3-3 | $24,500.00 |
| A-4-1 | $23,500.00 | A-4-3 | $24,500.00 |
| A-5-1 | $10,000.00 | A-5-3 | $10,975.00 |
| A-6-1 | $10,000.00 | A-6-3 | $10,975.00 |

| **Level 2** | | **Level 4** | |
|---|---|---|---|
| A-1-2 | $10,975.00 | A-1-4 | $10,000.00 |
| A-2-2 | $10,975.00 | A-2-4 | $10,000.00 |
| A-3-2 | $24,500.00 | A-3-4 | $23,500.00 |
| A-4-2 | $24,500.00 | A-4-4 | $23,500.00 |
| A-5-2 | $10,975.00 | A-5-4 | $10,000.00 |
| A-6-2 | $10,975.00 | A-6-4 | $10,000.00 |

| **Inside Niches Bank A-D** | | **Outside Niches Bank A-D** | |
|---|---|---|---|
| Level 1 | $2,165.00 | Level 1 | $1,765.00 |
| Level 2 | $2,265.00 | Level 2 | $1,865.00 |
| Level 3-6 | $2,365.00 | Level 3-5 | $1,965.00 |
| Level 7 | $2,165.00 | Level 6 | $1,865.00 |
| Level 8 | $2,065.00 | Level 7 | $1,765.00 |
| Level 9 | $1,865.00 | Level 8 | $1,665.00 |
| Level 10 | $1,765.00 | | |

2. Services

Crypt

| | |
|---|---|
| (a) Interment | $400.00 |
| (b) Interment after 2:00 p.m., Monday to Friday | $200.00 (additional) |
| (c) Interment Saturday, Sunday or Statutory Holidays | $400.00 (additional) |
| (d) Remove and reinstall shutter | $ 90.00 |

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PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

SCHEDULE C (Continued)

B. CEMETERY MAUSOLEUM (Continued)

| | |
|---|---|
| (e) Attachment of each item to shutter: | |
| i) name bar | $ 50.00 |
| ii) pictures | $ 50.00 |
| iii) flower vase | $ 50.00 |
| iv) lights | $ 50.00 |
| ($50 each to a maximum of $150.00). | |
| (f) Disinterment/Exhumation | $750.00 |
| (NB: Services of licenced funeral home are in addition to above disinterment/exhumation fee.) | |
| (g) Transfer of Licence | $ 50.00 |

Niche

| | |
|---|---|
| (a) Interment | $105.00 |
| (b) Interment after 2:00 p.m., Monday to Friday | $175.00 (additional) |
| (c) Interment Saturday, Sunday or Statutory Holidays | $350.00 (additional) |
| (d) Remove shutter | $ 40.00 |
| (e) Attach Name plate | $ 50.00 per plate |
| (f) Disinterment/Exhumation | $250.00 |
| (NB: Services of licenced funeral home are in addition to above disinterment/exhumation fee.) | |
| (g) Transfer of Licence | $ 50.00 |

Memorial Wall Service (Gross to Customer)

| | |
|---|---|
| (a) Bronze Standardized Nameplate | $365.00 |
| (b) Space Reserve on Memorial Wall | 200.00 |
| (c) Installation of Nameplate onto Wall | 50.00 |
| Total Price to Customer | $615.00 |

Distribution of Revenues

| | |
|---|---|
| i. Name Bar Gross Price | $365.00 |
| Accruing to DOK 5% Admin Fee | (18.25) |
| Accruing to Evergreen | $346.75 |
| ii. Space on Reserve on Memorial Wall | $200.00 |
| Accruing to DOK 5% Admin Fee (200 x .05) | (10.00) |
| Accruing to Perpetual Care Fund 28% (200 x .28) | (56.00) |
| Accruing to Evergreen | 134.00 |
| Total to Evergreen | $480.75 |

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PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

C. CEMETERY COLUMBARIUM

1. Niche Space Fees

(a) Niche Space ..... $1,350.00*
*price includes 25% Cemetery Care Fund contribution, price does not include taxes

2. Services

Prices below do not include taxes, if applicable.

Niche

(a) Minimum Interment Fee ..... $250.00*
(i) Interment after 2:00 p.m., Monday to Friday ..... $125.00
(ii) Interment Saturday, Sunday or Statutory Holiday .... $500.00
(b) Remove Shutter ..... $40.00
(c) Attach Name Plate ..... $120.00**
(d) Disinterment/Exhumation ..... $250.00
(e) Transfer of Licence ..... $50.00
(f) Attach Photograph ..... $60.00**

*Additional Interment Fees may apply – see C. Columbarium 2(a)(i) and 2(a)(ii)

**An additional $10.00 Cemetery Care Fund fee will be charged.

MISCELLANEOUS FEES
Administrative Fee to Order Cemetery Columbarium Memorial..... $70.00

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PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

SCHEDULE D Deleted by Bylaw No. 2060, 2024

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PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

SCHEDULE E

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SCHEDULE F

DISTRICT OF KITIMAT

CEMETERY MAUSOLEUM MEMORIALS

This Schedule provides specifications to standardize approved Cemetery Mausoleum Memorials for installation in the Cemetery Mausoleum Niches, Crypts, and Memorial Wall. The following attachments give dimensions and font for approved name plates.

1. Crypt Name Plate
2. Outside Niche Name Plate
3. Memorial Wall Name Plate

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PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

1. Crypt Name Plate

# FAMILY
# GIVEN NAMES HERE
# YOB YOD

Name Casting for Kitimat Mausoleum, Crypts and Lounges

Notes:

1. Font: Arial
2. Material: Cast Bronze low luster polish
3. Colour Finish: Bronze with dark brown bars
4. Family Name letter size: 1- ½ inches
5. Given Name letter size: 1- 0 Inches
6. Date number size: 0- 3/4 inches
7. Bar width: 0- 5/8 inches
8. Space between upper bar and given name: 0- 5/8 inches
9. Maximum length of Casting: 27-0 inches
10. May only contain text noting Surname, Given Name(s), initials of Given Names (or combination thereof), Year of Birth (YOB) and Year of Death (YOD).Text must be hand chased and polished
11. Must be true and free from defects and roughness
12. Must be secured by chemical means

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2. Outside Niche Name Plate

Kitimat Mausoleum - Bronze Casting for Outside Niches

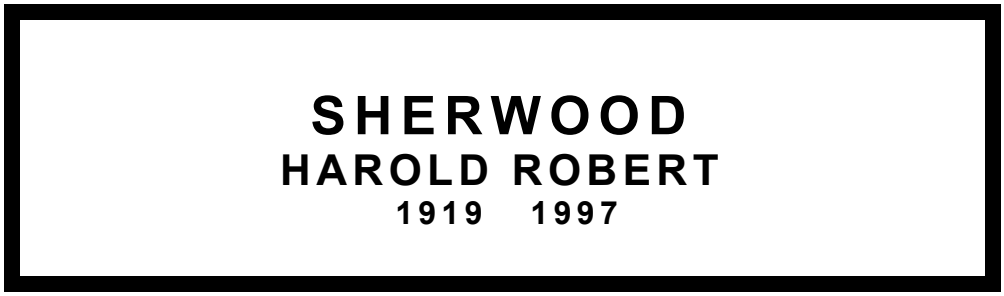
Option Number 1
Separate Family Names
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch




Option Number 2
Same Family Name
Family Name letter size: 3/4 inch
Given Names: 3/8 inch
Dates: 3/8 inch




Option Number 3
Single Cremation Nameplate
Family Name letter size: 3/4 inch
Given Names: 1/2 inch
Dates: 1/2 inch




Notes:

PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

1. Font: Arial
2. Material: Bronze
3. Colour Finish: Bronze letters and numbers with dark brown background
4. Total casting dimensions: 10 inches by 4 inches
5. Family Name letter size: Depending on option selected
6. Given Name letter size: Depending on option selected
7. Date number size: Depending on option selected
8. May only contain text noting Family Name, Given Name(s), Initials of Given Names (or combination thereof), Year of Birth (YOB) and Year of Death (YOD).
9. Text must be hand chased and polished.
10. Must be true and free from defects and roughness
11. Must be secured by chemical means

3. Memorial Wall Name Plate

Kitimat Mausoleum

Name bar for memorial wall

YOB GIVEN AND FAMILY NAMES YOD

Notes

1. Font: Arial
2. Material: Cast Bronze
3. Colour Finish: Bronze letters and numbers with dark brown mount
4. Letter size: 1-0 inches
5. Number size: 0-3/4 inches
6. Bar underline width: 0-1/4 inches
7. Maximum length of total bar: 22 inches
8. May only contain text noting Surname, Given Name(s), initials of Given Names (or combination thereof), Year of Birth (YOB) and Year of Death (YOD).
9. Text must be hand chased and polished
10. Must be true and free from defects and roughness
11. Must be secured by chemical means

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PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

SCHEDULE G

DISTRICT OF KITIMAT

CEMETERY COLUMBARIUM MEMORIALS

This Schedule provides specifications to standardize approved Cemetery Columbarium Memorials. Please see Schedule F for specifications of Niches within the Cemetery Mausoleum.

Columbarium Niche Name Plate

1. Font: Arial
2. Material: Bronze
3. Colour Finish: Bronze letters and numbers with dark brown mount
4. Total casting dimensions: 10 inches by 4 inches
5. Family Name letter size: See below
6. Given Name letter size: See below
7. Date number size: See below
8. Sentiment Text Size: See below
9. May only contain text noting Family Name, Given Name(s), Initials of Given Names (or combination thereof), Year of Birth (YOB) and Year of Death (YOD) and two lines of sentiment.
10. Text must be hand chased and polished.
11. Must be true and free from defects and roughness
12. Must be secured by chemical means

Columbarium Photograph

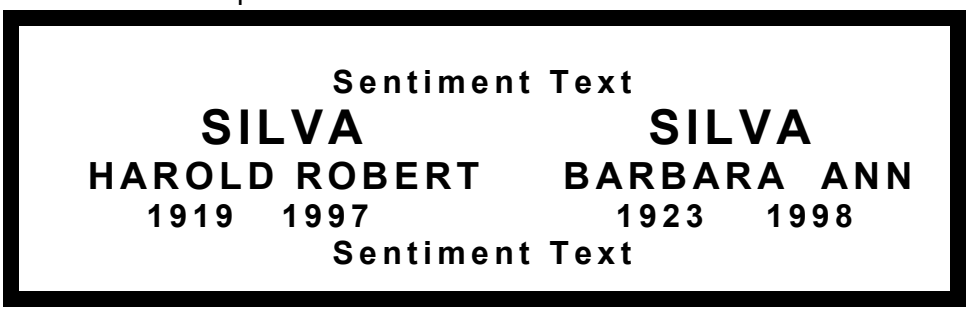
1. Total casting dimensions: 10 inches by 4 inches
2. Frame Size: 4.7 inches x 3.5 inches
3. Frame Shape: Oval
4. Frame Material: Bronze
5. Other: Specifically designed for this purpose

*Kitimat Municipal Code*, CONVENIENCE COPY. The District of Kitimat accepts no responsibility for errors or omissions in this consolidation. A CERTIFIED COPY is available from Corporate Administration, District of Kitimat.

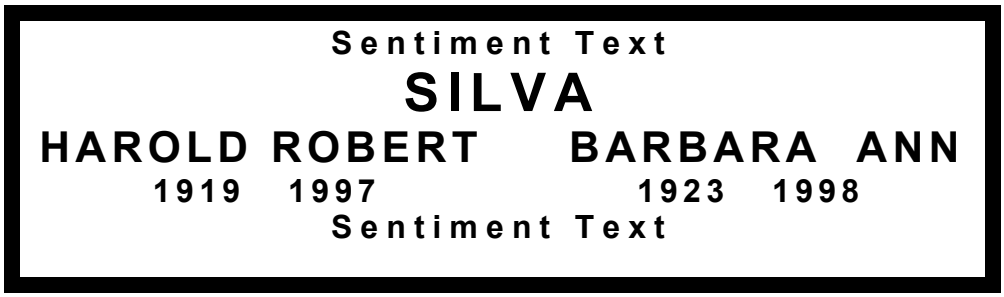
PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

Columbarium - Bronze Casting for Niches

Option Number 1
Separate Family Names
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch



Option Number 2
Same Family Name
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch



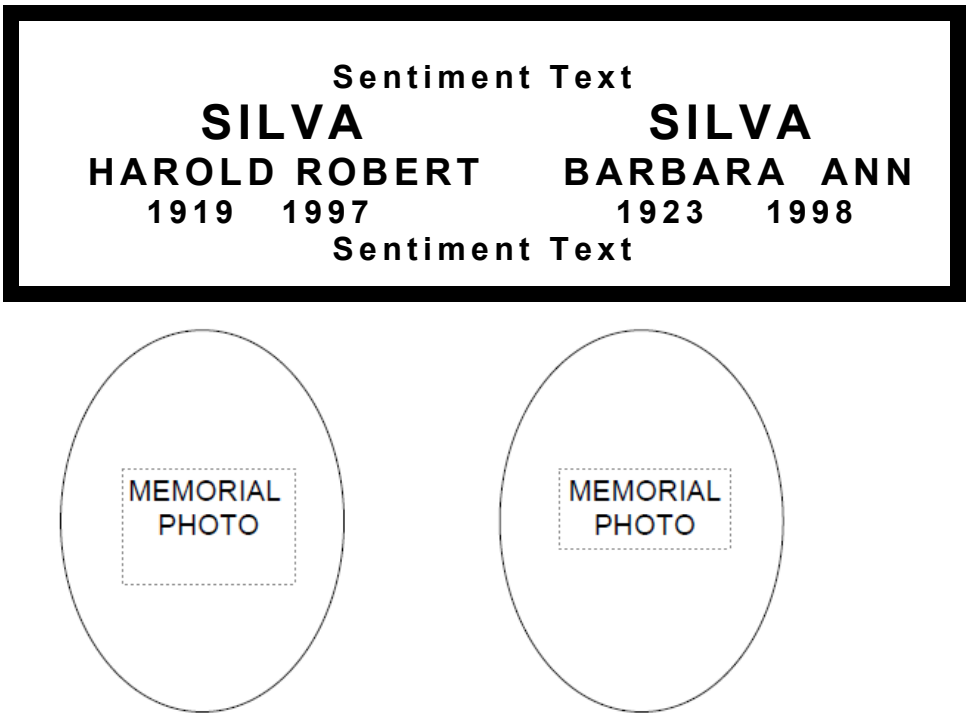
PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

Option Number 3
Single Cremation Nameplate
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch

**Sentiment Text**
**SILVA**
**HAROLD ROBERT**
**1919 1997**
**Sentiment Text**

PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

Option Number 4
Separate Family Names
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch
Photographs: 3.5”x4.7”/each



PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

Option Number 5
Same Family Name
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch

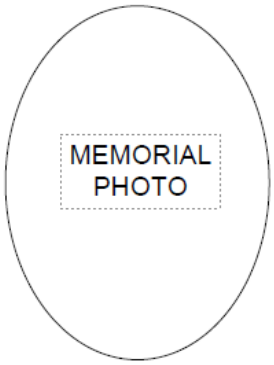
**Sentiment Text**

**SILVA**

**HAROLD ROBERT BARBARA ANN**

**1919 1997 1923 1998**

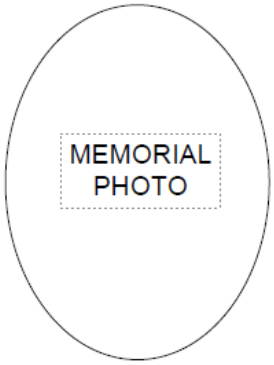
**Sentiment Text**



PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

Option Number 6
Single Cremation Nameplate
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch

**Sentiment Text**
**SILVA**
**HAROLD ROBERT**
**1919 1997**
**Sentiment Text**



PART 7 - PUBLIC HEALTH
Division 5 - Open Air Markets

Subdivision 1 - Rental of Stalls

7.5.1. 1. Stalls may be rented between the hours of 8:00 A.M. and 5:00 P.M. on Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays, except on public holidays.

Subdivision 2 - Rental Rates

7.5.2. 1. Stall rentals shall be FIVE Dollars ($5.00) per day for each 20 foot stall and THREE Dollars ($3.00) per day for each 10 foot portion of a stall, such rental to be payable in advance to the Municipal Licence Inspector.

Subdivision 3 - Places of Sale

7.5.3. 1. All produce shall be sold from stalls and merchandising from any vehicle is prohibited unless an insufficient number of stalls are available.

Subdivision 4 - Alterations

7.5.4. 1. The structure of stalls shall not be moved or altered in anyway.

Subdivision 5 - Health and Sanitation

7.5.5. 1. All merchandising shall comply with Provincial Health and Sanitary Regulations and no fresh meat shall be sold or offered for sale.

2. Cured meats, poultry and fish may be sold PROVIDED that adequate cooling facilities are provided.

3. All Foodstuffs, particularly that to be consumed without washing or cooking, shall be protected from vermin, flies and airborne contaminants.

4. All litter and rubbish shall be deposited in rubbish baskets and bins provided and each stall shall be left in a clean and orderly state. Tenants shall be held responsible for any damage, normal wear and tear excepted.

Subdivision 6 - Advertising

7.5.6. 1. Signs shall be permitted provided that they are in the form of one name plate, nor exceeding one foot in depth by five feet in length for each ten feet of stall frontage.

PART 7 - PUBLIC HEALTH
Division 6 - Clean Indoor Air

Subdivision 1 - Interpretation

7.6.1. 1. In this Division, unless the context otherwise requires:

"Smoke" or "Smoking" shall include the carrying of a burning cigar, cigarette, pipe or other smoking equipment containing burning tobacco;

"Place of Public Assembly" shall mean a building or structure or portion thereof used for the gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement but does not include a restaurant, a reception area or a place where only a private social function is being held;

"Private Social Function" shall mean a special social event for which an entire room or hall has been solely reserved, and at which attendance is limited to people who have been specifically invited or designated by the sponsor, but does not include events which are held privately for the purpose of business, sales or education;

"Restaurant" shall mean a premise where prepared food is served to the public in exchange for money or service; or to which the public has access for the purpose of purchasing prepared food for consumption on the premises;

"Bank" shall include a credit union, trust company or other financial institution;

"Government Office" shall mean an office of the Government of Canada, the Government of the Province of B.C. or the District of Kitimat;

"Personal Services Establishment" shall mean any place or premises in which a person provides a service to or on the body of another person in exchange for money or services and includes but is not limited to, a barber shop, beauty parlour, and health shop;

"Retail Shop" shall mean any place or premises where goods are displayed or offered for sale by retail, but does not include a restaurant;

Subdivision 1 - Interpretation (Continued)

7.6.1. 1. "Place of Employment" shall mean any indoor place of work other than:

a. a private home which also serves as a place of work; or

b. a workplace occupied solely by an independent contractor or only by the partners to a partnership;

"Reception Area" shall mean the public space of an office or other establishment used for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;

"Service Line" shall mean an indoor line of two or more persons awaiting service of any kind, and includes but is not limited to sales, transactions, provision of information or advice and the exchange or transfer of money or goods, but includes a service line at a private social function as defined herein;

"Proprietor" shall mean the person or persons who control, govern or direct the activity carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof;

"Post" shall include the act of keeping continuously displayed.

Subdivision 2 - Prohibition

Place of Public Assembly

7.6.2. 1. Subject to 7.6.2.2., no person shall smoke in an area being used as place of public assembly.

2. The proprietor of a place of public assembly may designate an area, not to exceed 50% of the total floor area of such place of public assembly as a smoking area.

3. An area designated in accordance with 7.6.2.2. shall not include:

a. the seating areas in theatres, motion picture theatres, music halls, lecture halls which include classrooms, concert halls, auditoriums, gymnasiums, swimming pools, indoor sporting areas and libraries;

Subdivision 2 - Prohibition (Continued)

7.6.2. 3. b. the display areas of museums and art galleries;

c. an area in which smoking is prohibited by the Fire Commissioner or by any other law, bylaw or regulation; and these areas shall not be included in the calculation of the total floor area.

4. The proprietor of every place of public assembly shall ensure that signs as described in Subdivision 7.6.14. shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.2.1. applies.

Subdivision 3 - Restaurants

7.6.3. 1. The proprietor of a restaurant shall display in a conspicuous place so as to be visible to persons at the entrance to the restaurant a sign or signs indicating whether or not a non-smoking section is provided in the restaurant.

The sign or signs shall consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour with capital letters having an actual height of not less than 5.1 centimetres (2 inches). The sign or signs shall carry one of the following texts as appropriate:

SMOKING AND NON-SMOKING SEATING AVAILABLE;

NO NON-SMOKING SEATING; or

NON-SMOKING SEATING ONLY.

2. Subject to 7.6.3.3. the proprietor of a restaurant may designate non-smoking areas in the restaurant.

Subdivision 3 - Restaurants (Continued)

7.6.3. 3. Where a non-smoking area is designated:

a. the non-smoking area shall be not less than TWENTY-FIVE percent (25%) of the total seating capacity of the restaurant;

b. the non-smoking area shall have the seating arranged so as to be contiguous to provide a non-smoking area.

c. the proprietor of every restaurant shall ensure that signs as prescribed by Subdivision 7.6.14. are displayed clearly indicating the non-smoking area.

Subdivision 4 - Banks and Government Offices

7.6.4. 1. No person shall smoke at or near any public area of a bank or government office.

2. The proprietor of every bank or government office shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.14.1. applies.

Subdivision 5 - Personal Services Establishment

7.6.5. 1. The proprietor of a Personal Service Establishment shall display in a conspicuous place so as to be visible to persons at the entrance to the Personal Service Establishment a sign or signs indicating whether or not a non-smoking section is provided in the Personal Services Establishment. The sign or signs shall consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour with capital letters having an actual height of not less than 5.1 centimetres (2 inches).

Subdivision 5 - Personal Services Establishment (Continued)

7.6.5. 1. The sign or signs shall carry one of the following texts as appropriate:

SMOKING AND NON-SMOKING SEATING AVAILABLE;

NO NON-SMOKING SEATING; or

NON-SMOKING SEATING ONLY.

2. Subject to 7.6.3.3. the proprietor of a Personal Service Establishment may designate non-smoking areas in the Personal Service Establishment.

3. Where a non-smoking area is designated:

a. the non-smoking area shall be not less than TWENTY-FIVE percent (25%) of the total seating capacity of the Personal Service Establishment;

b. the non-smoking area shall have the seating arranged so as to be contiguous to provide a non-smoking area;

c. the proprietor of every Personal Service Establishment shall ensure that signs as prescribed by Subdivision 7.6.14. are displayed clearly indicating the non-smoking area.

Subdivision 6 - Retail Stores

7.6.6. 1. No person shall smoke in a retail shop or its public restrooms except in a part thereof used as a restaurant or lunch counter subject to Subdivision 7.6.3. or a part of the retail shop used as private work areas by members of the staff.

2. The proprietor of every retail store shall ensure the sign or signs as prescribed by 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.6.1. applies.

Subdivision 7 - Hospitals, Health Clinics and Schools

7.6.7. 1. No person shall smoke in a hospital or health clinic or school except in any portion thereof designated as a smoking area by the hospital or health clinic authorities or school authorities.

2. The proprietor of every hospital, health clinic and school shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each area to which 7.6.14.1. applies.

Subdivision 8 - Reception Areas

7.6.8. 1. Except as provided in 7.6.8.2, no person shall smoke in a reception area.

2. The proprietor may designate an area of not less than 13 square metres (140 square feet) and not more than FIFTY percent (50%) of the floor area of the reception area for the purpose of smoking.

3. The proprietor of every reception area shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.8.1. applies.

Subdivision 9 - Service Lines

7.6.9. 1. No person shall smoke in or near any indoor service line in any premises.

Subdivision 10 - Buses

7.6.10. 1. No person shall smoke on a school or public bus.

Subdivision 11 - Elevators, Escalators, and Inside Stairways

7.6.11. 1. No person shall smoke in an elevator, or on an inside stairway in any building.

2. The proprietor of every building or any building or part thereof shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to apply clearly to the areas regulated by 7.6.11.1.

Subdivision 12 - Taxicabs

7.6.12. 1. No person shall smoke in a taxicab, except with the consent of all passengers and the driver of the taxicab.

2. The proprietor in any taxicab to which 7.6.12.1. applies shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise permitted by this bylaw shall be conspicuously posted so as to be clearly visible from all parts of the taxicab.

Subdivision 13 - Place of Employment

7.6.13. 1. Each place of employment shall develop a smoking policy dealing with the places people may smoke in the work place.

2. The policy shall generally deal with the times and places where people may or may not smoke and these decisions and policy implementation are the responsibility of the proprietor.

3. The proprietor shall ensure each employee is aware of the smoking policy and be responsible for ensuring compliance.

Subdivision 14 - Signs

7.6.14. 1. For the purposes of this Division "letter height" means the actual height of the letter regardless of whether it is a capital or lower case letter.

Subdivision 14 - Signs (Continued)

7.6.14. 2. To be in accordance with this Division, such sign shall:

a. carry the text "No Smoking" in capital or lower case letters or a combination thereof;

b. consist of TWO (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour;

c. with respect to size of lettering, to be not less than the following height based upon the maximum viewing distance in direct line of sight for:

(1) 3 metres or less, letter height of 2.5 centimetres;

(2) 6.1 metres or less, letter height of 5.1 centimetres;

(3) 12.2 metres or less, letter height of 7.6 centimetres;

(4) 24.4 metres or less, letter height of 10.2 centimetres;

(5) 48.8 metres or less, letter height of 15.2 centimetres;

(6) 73.1 metres or less, letter height of 20.32 centimetres;

7.6.14. 3. Include in the text at the bottom of each sign - Part 7, Division 6 - "Kitimat Municipal Code - Maximum Penalty $500.00" in letters not less than 1.3 centimetres (½ inch) in height for signs with letter size of 2.5 centimetres (1 inch), and not less than one quarter of the height of the letters for all other sizes of letter.

4. Notwithstanding the provisions of 7.6.14.1., one of the following graphic symbols may be used to indicate "no smoking area". Each symbol shall include the text "Kitimat Municipal Code - Part 7, Division 6" in letters and figures at least FIVE percent (5%) of the diameter of the circle in the symbol and there may be added appropriate symbols, such as directional arrows. Any such symbol shall be on a white background with a circle and interdictory stroke in red, with a cigarette, letters and figures in black, provided such symbol complies with the other provisions of this Subdivision.

# NO SMOKING



Part 7, Division 6 - "Kitimat Municipal Code - Maximum Penalty $500.00

Subdivision 14 - Signs (Continued)

7.6.14. 5. With respect to size of the graphic symbol, the diameter of this circle and the symbol referred to in 7.6.14.4. hereof shall be not less than the number of centimetres prescribed below, based upon the maximum viewing distance and direct line of sight, as follows:

a. 3 metres or less, 10.2 centimetres;

b. 6.1 metres or less, 15.2 centimetres;

c. 12.2 metres or less, 20.32 centimetres;

d. 24.4 metres or less, 20.32 centimetres;

e. 48.8 metres or less, 40.6 centimetres;

f. 73.1 metres or less, 61 centimetres;

6. Notwithstanding that the symbol in 7.6.14.3. hereof is a cigarette, it shall include a lighted cigar, cigarette, pipe or other lighted smoking equipment.

Subdivision 15 - Posting

7.6.15. 1. In every area where smoking is not permitted under this bylaw, the proprietor shall post or have posted and continue to post a sufficient number of signs, as prescribed in Subdivision 7.6.14., prominently displayed so as to be clearly visible from all points to which such no smoking applies.

2. Where a smoking area has been designated under the Code, such area shall bear a sign or signs "smoking in this area only". Where an area has been so designated, smoking shall be permitted in that area, and such sign shall be prominently displayed so as to be clearly visible from all points to which smoking applies and such signs shall comply with the requirements in 7.6.14.2.

3. This bylaw shall not apply to a private social function.

PART 7 - PUBLIC HEALTH
Division 6 - Clean Indoor Air

Subdivision 16 - Offences

7.6.16. 1. The proprietor of the premises to which this Division applies shall ensure that the sign or signs prescribed in Subdivision 7.6.14. hereof or otherwise permitted by this Division shall be prominently displayed so as to be clearly visible to persons.

2. Any proprietor who fails or neglects to perform the duty imposed upon him by 7.6.16.1. hereof shall be guilty of an offence and liable to a penalty of not more than $500.00.

3. Compliance with this Division shall be a condition of maintaining a valid District of Kitimat Business Licence.

4. No person shall smoke in any place or area designated as a non-smoking area under this Division.

Subdivision 17 - Penalty

7.6.17. 1. Any person who contravenes the provisions of this Division is guilty of an offence and, on summary conviction, is liable to a fine of not less than $25.00 and not more than $500.00 for the first offence; and not less than $75.00 and not more than $500.00 for the second offence; and not less than $150.00 and not more than $500.00 for the third and subsequent offence.

PART 7 - PUBLIC HEALTH
Division 7 - Restriction of Cannabis, Tobacco, and Controlled Substance Use in Public Places and Parks

Subdivision 1 – Definitions

7.7.1 "Cannabis" means cannabis as defined in Part 9, Division 1 of the Kitimat Municipal Code

*Bylaw 2023, 2023*

"Consume Cannabis" means to ingest into your body in a means other than to Smoke or Vape

*Bylaw 2023, 2023*

"Consume Controlled Substance by Needle" means to ingest into your body a Controlled Substance through a needle

*Bylaw 2023, 2023*

"Controlled Substance" means the substances listed in Annex A of the Subsection 56(1) Class Exemption for adults in the Province of British Columbia to possess small amounts of opioids, cocaine, methamphetamine and MDMA issued by the Federal Minister of Health effective January 31, 2023

*Bylaw 2023, 2023*

"Smoke or Vape" includes the following:
(a) smoke or hold lighted cannabis or tobacco;
(b) use or hold a device that is vapourizing Cannabis, Tobacco, or Controlled Substance for inhalation or release into the air

"Tobacco" means tobacco as defined by the Province of British Columbia (in the Tobacco and Vapour Products Control Act) and includes products produced from tobacco in any form or for any use

Subdivision 2 – Restrictions

7.7.2.1 No person shall, in any park or public place, Consume Cannabis or have in their possession any Cannabis unless the said Cannabis is consumed or possessed pursuant to and in compliance with a license issued under the Cannabis Control and Licensing Act.

*Bylaw 2023, 2023*

7.7.2.2 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle in or on any of the following outdoor public places:

*Bylaw 2023, 2023*

(a) a skating rink, sports field, swimming pool, playground or skate park;
(b) a spray pool or wading pool within the meaning of regulations under the Public Health Act or a splash pad;
(c) a deck, seating area, viewing area or other place used in association with a place to which paragraph (a) or (b) applies.
(d) within a 7.5 metre distance from a place described in paragraph (a), (b) or (c)

7.7.2.3 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle in or on any of the following places:

*Bylaw 2023, 2023*

(a) lands designated as park within the District of Kitimat Zoning Bylaw;
(b) a regional park within the meaning of the Local Government Act;
(c) an outdoor area established by a local government for purposes of community recreation.
(d) within a 7.5 metre distance from a place described in paragraph (a), (b) or (c)

7.7.2.4 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle:

*Bylaw 2023, 2023*

(a) in or at a transit shelter or bus stop, train station or stop, taxi stand, or similar place marked for passenger loading or unloading, or
(b) within a 7.5 metre distance from a place described in paragraph (a).

7.7.2.5 A person must not Smoke or Vape a Controlled Substance or Consume Controlled Substance by Needle in any District of Kitimat facility or owned buildings.

*Bylaw 2023, 2023*

PART 7 - PUBLIC HEALTH
Division 8 - Excavated Material

Subdivision 1 – Interpretation

7.8.1. Unless otherwise specified, the following will apply to this Division.

**Contaminated Soil** means soil, sediment and/or fill material containing substances in quantities or concentrations greater than those specified in provincial environmental quality standards, but which is not a hazardous waste under Hazardous Waste Regulation No. 63/88.

**Municipal Engineer** means the Director of Engineering Services of the District of Kitimat or their authorized representative.

**Owner** means the owner or occupier of real property;

**Person** has the same meaning as defined in the *Interpretation Act*;

Subdivision 2 – Excavated Material

7.8.2. 1. No Person shall deposit or cause to be deposited any Contaminated Soil.

2. No Person shall deposit or cause to be deposited any soil, sand, gravel, rock or other excavated material on any land in the District unless:

a. the material originates within the boundaries of the property on which it is deposited and is graded to blend in with the surroundings; or

b. the material consists of topsoil or rock being deposited for purposes of establishing a landscaped area; or

c. the material is deposited in a location designated by the Municipal Engineer in writing.

3. The Municipal Engineer in issuing permission provided for in 7.2.8.2. may specify:

a. that the applicant produce the written permission of the Owner of the property on which material is to be deposited;

b. the maximum elevation to which the material to be deposited may be placed;

c. the nature of the material which may be deposited;

d. the frequency of grading, compaction, or levelling which will be required.

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PART 7 - PUBLIC HEALTH
Division 9 - Commercial Premise Solid Waste

Subdivision 1 - Interpretation

7.9.1 1. Unless otherwise specified, the following will apply to this Division:

**District Container** means a container supplied by the District of Kitimat in public spaces for public use while using the public space

**Commercial Premise** means any business establishment, apartment building or institution including but not limited to schools, churches, and hospitals

**Controlled Waste** means waste as outlined in Part 7 – Public Health, Division 2 – Solid Waste Disposal of the *Kitimat Municipal Code*

**Division** means Part 7, Division 9 of the *Kitimat Municipal Code*

**Municipal Engineer** means the Director of Engineering Services of the District of Kitimat or the authorized representative

**Prohibited Waste** means waste as outlined in Part 7 – Public Health, Division 2 – Solid Waste Disposal of the *Kitimat Municipal Code*

**Restricted Waste** means waste as outlined in Part 7 – Public Health, Division 2 – Solid Waste Disposal of the *Kitimat Municipal Code*

**Solid Waste Bin** means the container owned by or rented to a Commercial Premise for the purpose of collection of Solid Waste

**Solid Waste** means discarded or abandoned materials, substances or objects but does not include Controlled Waste, Restricted Waste or Prohibited Waste

Subdivision 2 - Containers

7.9.2

District Containers

1. No Person shall place any Controlled Waste, Prohibited Waste, or Restricted Waste in a District Container.

Commercial Premises – Garbage

2. Commercial Premises shall arrange their own Solid Waste collection and disposal.

3. Any Commercial Premise arranging their own collection shall provide, maintain and use in good and sanitary condition a sufficient number of Solid Waste Bins to hold the Solid Waste accumulated by that Commercial Premise and the Solid Waste Bins shall prevent access by bears, other wildlife, or domestic animals.

4. Nothing in this Division prevents the Municipal Engineer from approving any number of Commercial Premises to go cooperatively on common Solid Waste Bins for Solid Waste collection.

5. No Solid Waste or Solid Waste Bin from a Commercial Premises shall be stored upon any lane, street, walkway, sidewalk or other public place, unless approved in writing by the Municipal Engineer.

PART 8 - PUBLIC WORKS
Division 1 - Local Improvements

Subdivision 1 - Reports and Estimates

8.1.1. 1. Upon the Council acquiring power to undertake a work under the Act, the Chief Administrative Officer shall prepare, or cause to be prepared, all reports, statements, and estimates required by the Act respecting such work and shall present the same to Council.

Subdivision 2 - Frontage Tax Assessment Roll

8.1.2. 1. When a Construction Bylaw for a local improvement has been adopted by Council, the Assessor shall prepare a Frontage Tax Assessment Roll for the work set forth in the bylaw.

2. The classes of work listed hereunder shall have the same specified foot frontage which shall be determined by dividing the cost of each class or classes of work on each street by the number of parcels on the street:

a. paving;
b. curb and gutter;
c. underground wiring;
d. ornamental street lighting.

3. Notwithstanding 8.1.2.2., where a parcel containing multi-family dwellings is abutting or benefiting from the same works as a parcel or parcels containing single or two-family dwellings, the multi-family dwelling parcel shall be deemed to contain for cost apportionment purposes, as many parcels, or portion thereof, as determined by dividing the average area of the single or two-family dwelling parcels into the area of the multi-family dwelling parcel, and it is further provided that the above provisions apply where two or more multi-family dwelling parcels abut or benefit from the same works.

Subdivision 3 - Court of Revision

8.1.3. 1. When the Frontage Tax Assessment Roll has been prepared, the Assessor shall immediately notify the Council, who shall without delay, call sittings of the Court for the hearing of complaints against the proposed special assessment, and shall notify the Clerk of the time and place at which such sittings will be held.

Subdivision 3 - Court of Revision (Continued)

8.1.3. 2. The Assessor shall prepare and serve or cause to be served and published all notices required by the Act to be served or published, and shall prepare affidavits and other evidence of the service and publication thereof, and keep the same on file in his office, and shall also prepare all such other certificates, papers, and documents as may be required, and shall see that all the requirements of the Act respecting proceedings before the Court of Revision are complied with.

Subdivision 4 - Parcels of Land

8.1.4. 1. For the purposes of this Division, a regularly shaped parcel of land shall be any parcel rectangular in shape. Lots that are not rectangular shall be deemed to be irregular.

Subdivision 5 - Cost of Works

8.1.5. 1. Within TEN (10) days of the date of the Certificate referred to in Section 593(2) of the Act, the Treasurer shall mail to each owner a statement showing the cash amount required to commute the owner's share of the cost of the work, and the date by which the said amount shall be paid, if the owner desires to commute such share. This date shall be THIRTY (30) days after the date of the mailing of such notice.

2. Where the work consists of a sidewalk along a walkway allowance, the cost of the work shall be deemed to include cost of incidental drainage and the cost of landscaping that portion of the walkway allowance not occupied by the actual walkway and any area needed for drainage.

3. The cost of a work, carried out as a Local Improvement, shall be shared between the municipality and the abutting or benefiting owners in accordance with the following table:

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Subdivision 5 - Cost of Works (Continued)

8.1.5. 3.

| Roads | Municipal Share | Owner's Share |
|---|---|---|
| Paving: 34 ft. wide or less | 50% | 50% |
| Over 34 ft. to 44 ft. | 60% | 40% |
| Over 44 ft. wide | 65% | 35% |
| Additional width for parking | 25% | 75% |
| Curbs | 50% | 50% |
| Gutters | 50% | 50% |
| Sidewalks & Walkways | | |
| a. Not part of arterial system 6 ft. wide or less | 50% | 50% |
| Over 6 ft. wide to 8 ft. wide | 25% | 75% |
| Additional width, over 8 ft. | -- | 100% |
| b. Declared by resolution to be part of arterial system | 75% | 25% |
| Landscaping boulevard strips | -- | 100% |
| Parking Lots & Pedestrian Malls-paving | -- | 100% |
| Storm Sewers - Nechako Residential Area | 50% | 50% |

Subdivision 5 - Cost of Works (Continued)

8.1.5. 4. Notwithstanding 8.1.5.3., where a work is carried out on the flankage of a lot, the apportionment of the cost of the work between the municipality and the abutting property owner shall be as follows:

| | Municipal Share | Owner's Share |
|---|---|---|
| Residential Zones | 100% | -- |
| All Other Zones | 75% | 25% |

5. Where the work to be carried out is not in a class mentioned above the whole (100%) of the cost shall, except as otherwise provided, be charged against the properties abutting or benefiting from the work.

6. Where the work is paving, the construction of curbing, a boulevard, or a sidewalk, or the construction or reconstruction of any or all of them, the Council may, prior to the work being commenced, upon the written request of the owner of the parcel to be served, provide, as part of the work, for the construction of such a sidewalk crossing or driveway as the Council shall determine, so as to form an approach to a particular parcel, and the cost of the sidewalk crossing or driveway shall be specially charged upon the particular parcel so served.

7. Where the construction of a sidewalk on one side only of a street is undertaken, the Council may charge by frontage tax one-third of the owner's portion of the cost of its construction upon the land abutting on the side of the street opposite to that upon which the sidewalk is constructed; but if at a subsequent time the construction of a sidewalk on the other side of that street is undertaken, two-thirds only of the owner's portion of the cost of its construction shall be charged by frontage tax upon the land abutting on the side of the street; and the other one-third of the cost shall be charged by frontage tax upon the land abutting on the side of the street first above-mentioned.

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PART 9 - PLANNING
Division 1 - General

Subdivision 1 - Interpretation

Amended by Bylaw No. 2041, 2023

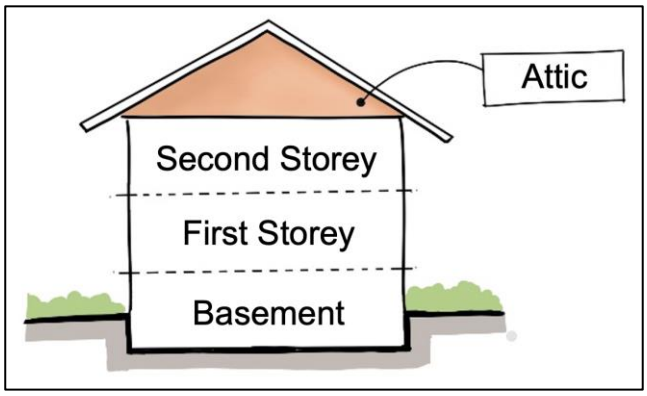
9.1.1.1 In this Part, unless the context otherwise requires:

**Access** means the width of public boulevard that can be used for ingress and egress to a property, driveway width where curb and gutter is installed, culvert length where roadside ditch must be crossed, or driving surface where there is neither curb and gutter nor ditch.

**Accessory** means a Building, Structure or Use which is incidental and subordinate to, and situated on the same Site as, the principal Building, Structure or Use.

**Agriculture** means use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry.

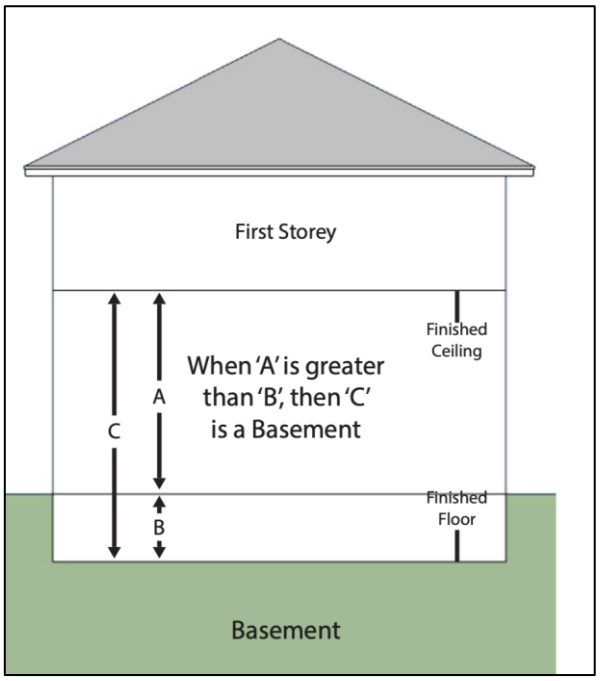
**Attic** or **Roof Space** means the space which is between the top floor ceiling and the roof and between a dwarf wall and the sloping roof.




**Automobile Wrecking Yard** means a place where two or more motor vehicles not in running condition, or parts thereof, are stored for junking, dismantling or wrecking but not for repair or restoration.

**Basement** means that portion of a Building which is partly underground but which has more than one half of its height from finished floor to finished ceiling above Natural Grade.

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**Bed and Breakfast** or **B&B** means a home-based business providing overnight accommodation and a morning meal to Guests in return for remuneration.

**Bed & Breakfast Inn** means a commercial business providing overnight accommodation and meals to Guests in return for remuneration.

**Bicycle Parking** or **Bike Parking** means parking spaces designed for bicycle storage. Bicycle parking must provide ability for cyclists to secure bicycles by lock on a bike rack, in a bike locker, or in a secured storage room or compound. Each lockable space shall be counted as one bicycle parking space toward the applicable requirement.

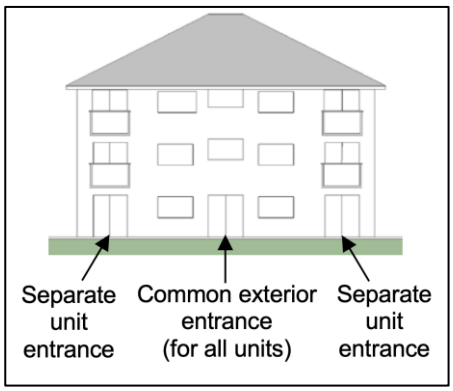
**Boarding House** means an establishment other than a Hotel, Motel or tourist court in which sleeping accommodation and meals are provided for remuneration to not less than three persons.

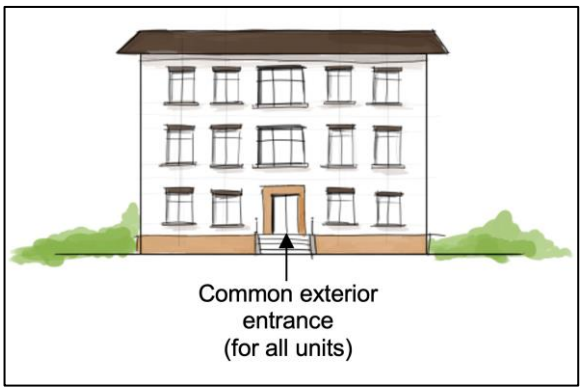
**Brewery** means a brewery that is licensed under the *Liquor Control and Licensing Act* to produce beer.

**Building** means any Structure or construction for any Use or occupancy but does not include Manufactured Homes located in Manufactured Home Parks.

**Building, Apartment** or **Apartment** means a Multi-Family Dwelling in which Dwelling Units have principal access from a common exterior entrance and shared corridors, with the exception of apartment Dwelling Units on ground floor level which may also have separate exterior entrances.

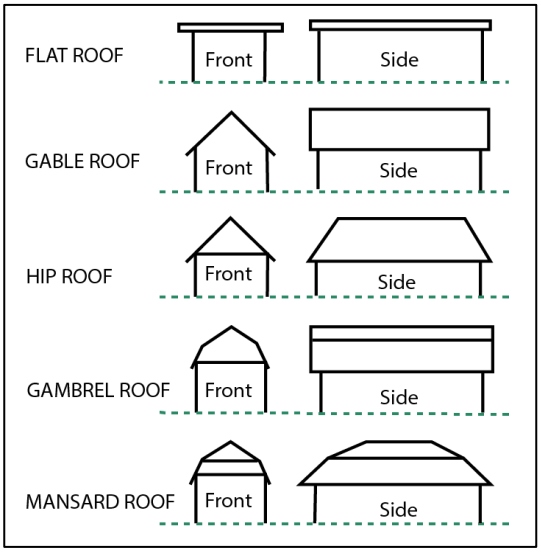
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**Building Face** means the exterior wall of a Building upon which a Sign may be placed.

**Building Height** or **Height of Building** means the vertical distance from the Natural Grade to the highest point of a flat roof, to the deck line of a mansard roof, or to the average height level between the eaves and ridge of a gable, hip, or gambrel roof; however, the height of Accessory Buildings and Accessory Structures in a residential Zone (Part 9 Division 4) is the vertical distance from the Natural Grade to the highest point of the Accessory Building or Accessory Structure.




**Café or Coffee Bar** has the same meaning as Restaurant, Café, Snack Bar.

**Campground or Designated Campground** means a commercial campground licensed under Part 4 of the *Kitimat Municipal Code* and listed as a permitted Use in the applicable Zone; or a campground managed by the District of Kitimat and located in a municipal park or at a municipal recreation facility.

**Camping** means to camp, lodge, or otherwise encamp overnight with or without a tent or Recreational Vehicle or other form of shelter anytime, and shall include taking up temporary or permanent abode.

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**Camping Equipment** means one or more of the following: portable cooking equipment, sleeping bag or roll, backpack or packsack, tent, tarp, lean-to or a Recreational Vehicle.

**Campsite** includes a site occupied and maintained, or intended to be occupied and maintained for the temporary accommodation of travellers, or any place where Camping Equipment is left or stored, or any place of temporary abode; but does not include a Motel or Hotel.

**Cannabis** means a cannabis plant, including:

a. Any part of a cannabis plant, including the phytocannabinoids produced by or found in such a plant, regardless of whether that part has been processed or not processed;
b. Any substance or mixture of substances that contains or has on it any part of a cannabis plant; and
c. Any substance that is identical to any phytocannabinoid produced by, or found in a cannabis plant, regardless of how the substance was produced obtained;

but does not include:

d. A non-viable seed of a cannabis plant;
e. A mature stalk, without any leaf, flower, seed or branch, of a plant;
f. Fibre derived from a cannabis stalk; and
g. The root or any part of the root of such a cannabis plant.

**Cannabis Control and Licensing Act** means the *Cannabis Control and Licensing Act*, SBC 2018, c.29 as amended or replaced and any successor legislation and any regulations thereafter.

**Cannabis Production** means a use that involves the commercial processing, storage and distribution of Cannabis, including licensed producers regulated under applicable provincial or federal legislation.

**Cannabis Retail** means a retail premises licensed under the *Cannabis Control and Licensing Act* to sell Cannabis.

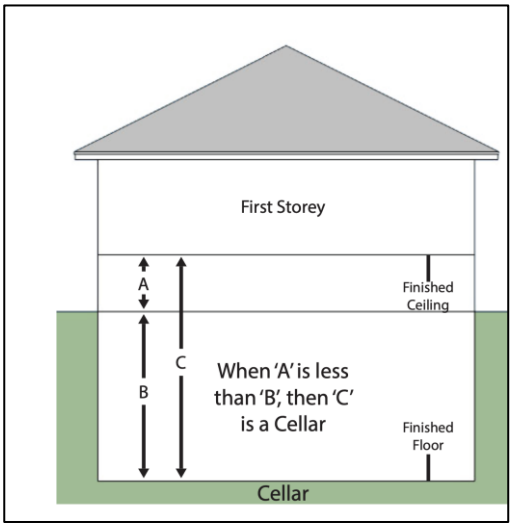
**Canopy** means a free standing or projecting roof Structure no part of which may be enclosed by walls.

**Caretaker Dwelling** means a temporary or permanent self-contained Dwelling Unit within or attached to a principal Building, with a maximum floor area of 55 m², intended to accommodate the proprietor, employee or caretaker of a Principal Use on the same Site for the purpose of improved customer service or site security.

**Carport** means a roofed Structure used for vehicle storage or parking which has more than 40 percent of its total perimeter open and unobstructed.

**Carwash** means a Building or portion thereof containing facilities for washing automobiles on a commercial basis.

**Cellar** means that portion of a Building which is partly underground but which has less than one half of its height from finished floor to finished ceiling above the Natural Grade.




**Cidery** means a cidery licensed under the *Liquor Control and Licensing Act* to produce cider.

**Clearance** means the vertical distance between the lowest limit of a Sign or Canopy and finished Grade immediately below.

**Club or Lodge Hall** means a Building or establishment used by an association or organization for fraternal, social or recreational purposes.

**Coffee Shop** has the same meaning as Restaurant, Café, Snack Bar.

**Coffee Shop (Kiosk)** means a business where prepared foods and/or beverages are sold for consumption on or off the premises. Kiosk must be contained in a Building and may not exceed 30 square metres.

**Community Care and Assisted Living Act** means the *Community Care and Assisted Living Act* SBC 202, c. 75 as amended or replaced and any successor legislation and any regulations thereafter.

**Community Care Facility** means any facility which provides accommodation and is licensed as a community care facility under the *Community Care and Assisted Living Act.*

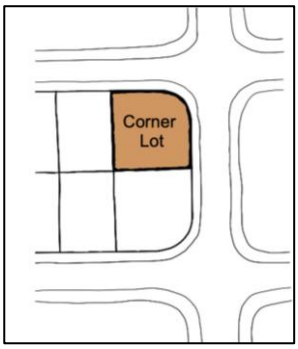
**Construction Camp** means a Building or collection of Buildings for temporary residential use as workforce accommodation for an industrial construction project where residents are provided with:

a. exclusive Sleeping Accommodation Units with individual or communal bathroom(s) but no Cooking Facilities; and
b. meals in communal dining area(s).

**Cooking Facilities** means any appliance used to prepare food including but not limited to ovens, stoves and hotplates.

**Copy** means the message on a sign surface in permanent or removable form, including letters, figures and symbols.

**Corner Lot or Site** means a Lot or Site abutting upon two or more Streets at their intersection, or upon two parts of the same Street, such Streets or part of the same Street forming an interior angle of less than 135 degrees.




**Cottage** means a detached Building designed and built as an independent housekeeping unit for exclusive seasonal or temporary use by Rural Resort guest(s); one cottage at a Rural Resort may be permanently occupied by the Rural Resort owner or caretaker and may include Guest registration and/or a resort office.

**Council** means the Council of the District of Kitimat.

**Cultural Activities** means the use of land, Building, or portion thereof for an art gallery, auditorium, interpretive centre, or museum, or the use of a Building or portion thereof for the performing arts or the showing of dramatic, musical, or other live performances, and may incorporate eating, drinking, and retail facilities as Accessory Uses.

**Day Care (Adult)** means a home or other Building or part thereof which is operated under the *Community Care and Assisted Living Act* to receive for temporary custody, of a continuous period not exceeding twenty-four hours, more than three adults who require care, support or assistance with daily activities due to age or mental or physical health; where this Use is listed as a permitted use of a Single-Family Dwelling or Two-Family Dwelling, or a ground level Dwelling Unit on property zoned R3-A or R3-A1, the number of adults in care is limited to eight.

**Day Care (Child)** means a home or other Building or part thereof which is operated under the *Community Care and Assisted Living Act* to receive for temporary custody, of a continuous period not exceeding twenty-four hours, more than three children under age twelve and not of common parentage; where this Use is listed as a permitted Use of a Single-Family Dwelling or Two-Family Dwelling, or a ground-level Dwelling Unit on property Zoned R3-A or R3-A1, the number of children in care is limited to eight.

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**Development Applications** means all applications for bylaw amendments or permits governed by Part 14 of the *Local Government Act.*

**Development Area** means a Site or Zone so designated in the *Kitimat Municipal Code* and which allows for special conditions and regulations for development.

**Director of Planning** means the person appointed as such by the District of Kitimat and includes the person's lawful designate.

**Distillery** means a distillery that is licensed under the *Liquor Control and Licensing Act* to produce spirits.

**District** means the District of Kitimat.

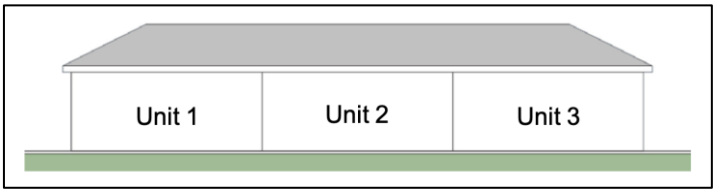
**DRA** means downtown revitalization area.

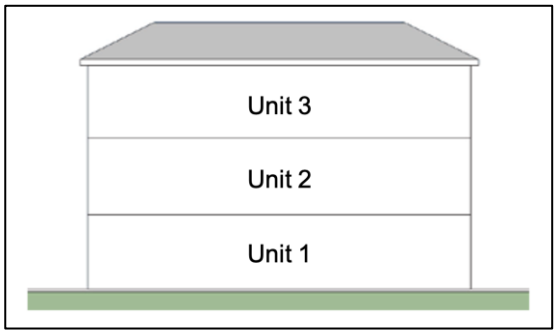
**Drive-in** means an establishment where patrons are encouraged to receive services while seated in their vehicles, parking for which is provided on the site.

**Dwelling** means a Building used for residential purposes but does not include Hotel, Motel, Boarding House, Rooming House, hospital, Trailer or Recreational Vehicle.

**Dwelling, Detached** means a Dwelling which is surrounded entirely by open space on its own Lot.

**Dwelling, Multi-Family** means a Dwelling containing three or more Dwelling Units.



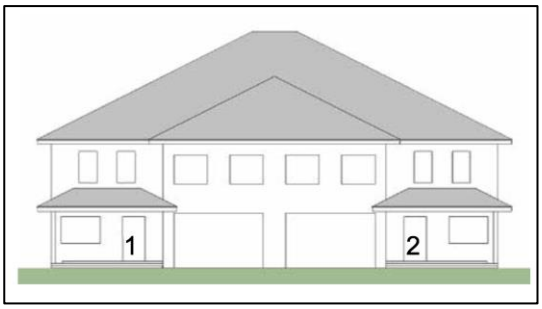




**Dwelling, Multi-Family Residence – Rental Apartments** means that Apartment Building Dwelling Units must be maintained as month-to-month or fixed-term rentals under S481.1 of the *Local Government Act.*

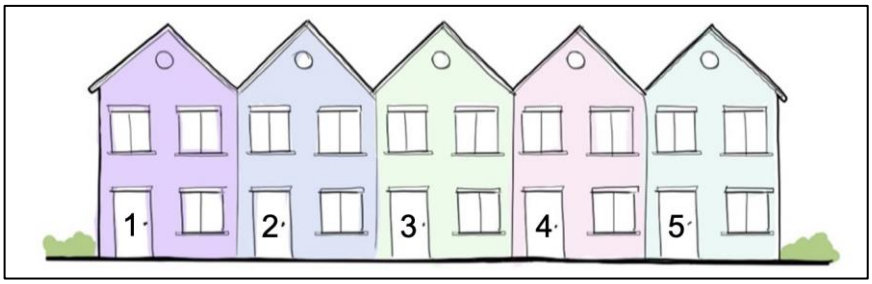
**Dwelling, Single Family** or **Single Detached Dwelling** means a Detached Dwelling containing only one principal Dwelling Unit.




**Dwelling, Semi-Detached** or **Duplex** means a Dwelling containing two principal Dwelling Units joined to each other on one or more sides by party wall or walls.




**Dwelling, Terrace** means a Multi-Family Dwelling in which Dwelling Units are joined to one another on one or more sides by party walls and have separate entrances at ground floor level; includes Row Houses or Townhouses but does not include dormitory or Apartment Buildings.




**Dwelling, Two-Family** means a dwelling containing two Dwelling Units on one lot, such as a Single Detached Dwelling with an Accessory secondary suite, or a Semi-Detached Dwelling.

**Dwelling Unit** means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing

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eating, living, sleeping, sanitary, and Cooking Facilities.

**Dwelling Unit (Detached), Accessory** means a second Dwelling Unit on a parcel that is detached from and Accessory to the principal residence or, when permitted in a commercial Zone, is Accessory to the residence of the store operator.

**Education** means a place of learning, which involves curriculum of pre-school, elementary, middle, secondary or post-secondary academic instruction.

**Enclosed Mini Storage Facility** means a Building or part thereof consisting of self-storage cubicle units that are available for rent to individuals for storing personal goods or to small commercial businesses for storing inventory.

**Extreme Weather Refuge** means a temporary housing facility which provides free or low-cost overnight accommodation during extreme weather conditions, from 1 November through to 31 March the following year.

**Family** means:

a. the head of a household, his or her spouse and their unmarried children; or
b. the head of a household, his or her spouse, their unmarried children and other blood relations provided the total number does not exceed eight; or
c. eight or fewer persons who are unrelated by bonds of blood, marriage or legal adoption.

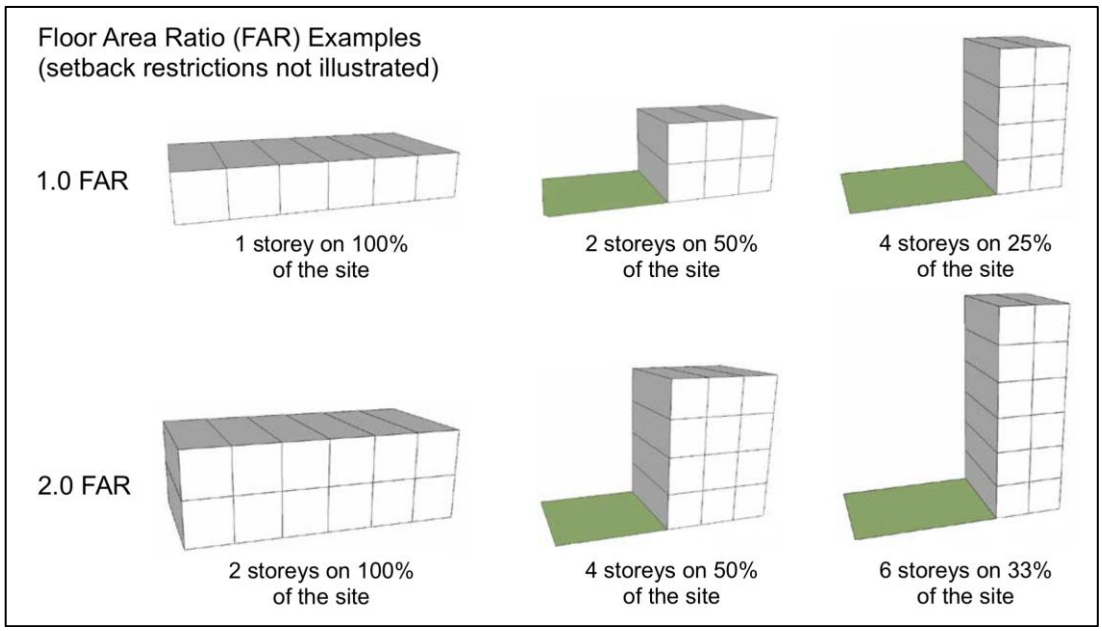
**Fence** means a tangible barrier constructed of any material with the intent, or having the effect, of preventing passage or view. Fence includes wall, gate, trellis, louvre, or other means of enclosure. For purposes of regulating fence height in greenbelt Zones where Agriculture Uses may occur, a rail fence may be constructed of posts and poles or boards where openings comprise the majority of structure, and a wire fence may be electrified, include barbed wire or wire mesh other than chain link.

**Financial Institution** means the commercial premises of a bank, trust company, investment dealer, credit union, mortgage broker, insurance company, financial planner or similar establishment.

**Floor Area, Gross** means the total area of all floors with ceilings of more than 1.98 m, both above and below ground, measured to the extreme outer limits of all Buildings but shall not include:

a. Carports or Garages; and
b. elevator shafts and stairwells at each floor, heating equipment rooms, air conditioning and ventilation equipment rooms, electrical sub-station rooms, laundry equipment rooms; and
c. areas devoted to communal recreation including their ancillary requirements.

**Floor Area Ratio** or **FAR** is the figure obtained when the Gross Floor area of all Buildings on a Site is divided by the area of the Site.




**Frontage** means the length of property line providing principal Access. Where it is deemed that there are two or more potential principal Accesses, such as in the case of a Corner Lot, frontage will be the side abutting the minor Street. Where a parcel has frontages on more than one minor Street, the frontage shall be the shortest parcel line.

**Garage** means any Building or part of a Building, other than a Carport, used for vehicle storage or parking.

**Grade** means, for the purposes of Part 9, Division 3-Signs, the average ground surface directly underneath a Sign from which the maximum height of Sign and minimum Clearance of Sign shall be measured, but does not include Established Grade or Natural Grade.

**Grade, Established** means the average level officially established by the Municipal Engineer or their designate of that portion of the Street upon which any Site fronts.

**Grade, Natural** means the average level of the finished surface of the ground adjacent to the exterior face of the Building or Structure measured at all corners.

**Gross Leasable Area** or **GLA** means the total floor area designed for tenant occupancy and exclusive use. The term includes corridors, staircases, washrooms, utility rooms, and areas occupied by non-load-bearing partitions. Measurements are made from inside walls.

**Guest** means a person who pays for overnight accommodation at a Bed & Breakfast (B&B), Bed & Breakfast Inn, Campground, Cottage, Guest Cabin, Hotel, Inn, Lodge, Motel or Rooming House, at time material to the context in which the word guest appears in the *Kitimat Municipal Code.*

**Guest Cabin** means a detached Building of 50m$^2$ or less which provides temporary tourist accommodation and which may contain sleeping, sanitary, and Cooking Facilities, and where maximum length of stay is 200 days in any given year.

**Habitable Room** means a living room, bedroom, dining room or kitchen but does not include bathrooms, toilets, laundries, corridors, or recreation rooms, or rooms used for commercial or business purposes or any other room less than 6 m$^2$.

**Height of Sign** or **Maximum Height** means, for the purposes of Part 9, Division 3-Signs, the vertical distance measured from the highest point of the Sign to Grade.

**Highway, Limited Access** means a road so designated in the *Kitimat Municipal Code* and intended to carry uninterrupted through traffic:

a. to and from other communities; or
b. between the various districts in Kitimat; or
c. around the neighbourhood districts of Kitimat.

**Highway, Local Access** means a road intended:

a. to collect and carry local traffic; and
b. to provide access to, and frontage for the development of land.

**Hobby Farm** means non-commercial Agriculture Use of lands exclusively associated with, and operated by person(s) resident on, an adjacent property that contains an established residence. **Home Business Address** means the use of a Dwelling as a business address to oversee a trade, business, profession, or other occupation carried on for remuneration or profit.

**Home Occupation** means a trade, business, profession, or other occupation carried on for remuneration or profit in a Dwelling or a Building Accessory to a Dwelling.

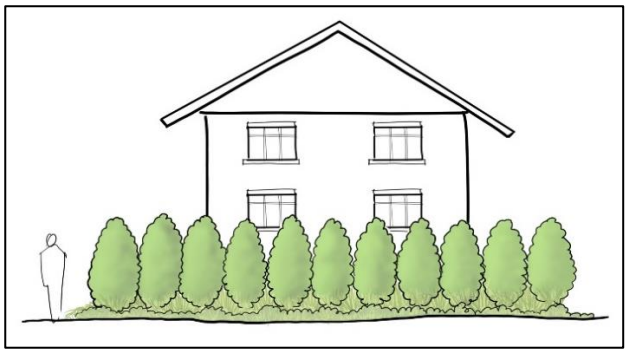
**Hotel** means a Building or portion of a Building intended to provide temporary accommodation for the public, with lodging rooms accessed from a common interior entrance lobby and shared corridors, and which may include Accessory facilities such as a public dining room or Restaurant.

**Inn,** for the purposes of the G4-A Rural Resort Zone, means a commercial business providing overnight accommodation and meals to Guests, where the dining room is for the exclusive use of Guests and residents and not open to the general public.

**Landscaped Buffer** means open space at ground level used for cultivating and maintaining grass, flowers or other growth and landscaping; not for vehicle traffic or parking.

**Landscape Screen** means a solid fence or dense planting of trees or shrubs designed to restrict the view from one property to another. Height will be according to maximum allowed for fences in the applicable Zone, or 2 metres if no fence height is specified.

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**Liquor Control and Licensing Act** means the *Liquor Control and Licensing Act* SBC 2015, c. 19 as amended or replaced and any successor legislation and any regulations thereafter.

**Local Government Act** means the *Local Government Act* RSBC 2015, c. 1 as amended or replaced and any successor legislation and any regulations thereafter.

**Local Store** means a general store of limited floor area which serves the day to day needs of residents of a neighbourhood or part thereof.

**Lodge** means a business providing overnight accommodation and meals to Guests, where the dining room, lounge and other lodge facilities may be open to the general public.

**Lodger** means any person who lives within the Dwelling Unit occupied by a family as defined in Clause a. of the definition of Family but is not a member of such a Family.

**Lot** means a parcel of land, which may be legally described as such and is shown on a plan of subdivision registered at the Land Title Office.

**Manufactured Home** means a vehicular portable structure built on a chassis, designed to be used with or without a permanent foundation as a Dwelling when connected to indicated utilities, and does not include a Trailer or Recreational Vehicle.

**Manufactured Home Park** means land used for the accommodation of two or more Manufactured Homes.

**Meadery** means a meadery that is licensed under the *Liquor Control and Licensing Act* to produce mead.

**Meter Station** means a pipeline station designed for the continuous and simultaneous analysis of the quality and quantity of the natural gas being transported in the pipeline.

**Motel** means a Building or a portion of a Building intended to provide temporary accommodation for the public, where each lodging room has a separate exterior entrance. A Motel may include Accessory facilities such as a public dining room or Restaurant.

**Municipal Engineer** means the Director of Engineering Services of the District of Kitimat or their authorized representative.

**Natural Open Space** means land which is predominately in a wild or natural state.

**Neighbourhood Pub** means an establishment which offers the sale of liquor for consumption on the premises and has been issued a liquor primary license.

**Non-Conforming** is a term applied to a Building, Structure or Use which is not permissible in the Zone in which it is located but was lawfully in existence prior to the passage of the zoning bylaw.

**Office** means a place for administrative, professional, management, technical, or consulting services with no Accessory outdoor storage. This Use excludes the growing, extraction, manufacture, processing, assembly, fabrication, storage, sale, service or repair of goods on the same site.

**Owner** means any person, corporation or agent controlling property.

**Parapet Wall** means an extension of a vertical wall above the Roof Line.

**Parking Stall** or **Parking Space** means an accessible and unobstructed space for temporary off-street storage of one motor vehicle, excludes driveways and manoeuvring areas. Stall dimensions shall meet current District of Kitimat design standards.

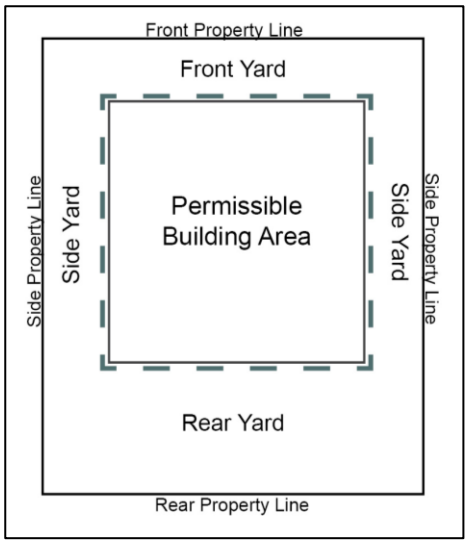
**Part** means Part 9 of the *Kitimat Municipal Code.*

**Patio** means a roofed or partly roofed Structure open on one or more sides which is designed to be used for recreation.

**Performance Standard** means a criterion established for making judgements in the control of noise, odour, smoke, toxic matter, vibration, fire and explosive hazards, glare or heat generated or inherent in uses of Buildings or land including water bodies.

**Permissible Building Area** means that area of a Site excluding its minimum required Yards on which a Building or Structure could be constructed, subject to other requirements of the applicable Zone.

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**Personal Service Shop** means a business where the sale of retail goods is only Accessory to the provision of service related to the care and appearance of the body or the cleaning and repair of personal effects. Personal service establishments include but are not limited to barber shop, esthetician, gym, health club, tattoo or piercing studio, laundromat, and shoe repair shop. Escort, escort agency and escort sole proprietor are not recognized as a personal service for purposes of regulating land use in the District of Kitimat.

**Planned Development** means a form of multi-family development which includes a combination of Detached Dwellings, Duplexes, Triplexes, Terrace Dwellings, or Apartment Buildings on one Lot.

**Principal Use** means the main or primary permissible use of land, Buildings, or Structures, provided for in the lists of permitted Uses in the Zones of Part 9 of the *Kitimat Municipal Code.*

**Public Assembly** means a use of a Building or Structure for gathering or meeting of persons for religious, charitable, philanthropic, cultural, recreational or educational purposes.

**Public Utility** means a company and its required equipment which provides services and facilities including production, transmission, delivery or furnishing of water, gas, electricity, or communication to the public at large.

**Recreation, Commercial** means a commercial business providing a facility or area where recreation activity(ies) is(are) available to paying customers. A Landscape Screen must be provided between subject property and all abutting residential properties.

**Recreation, Public** means a facility or area provided by a municipal or other government agency which is available for community activities and recreational enjoyment of the general public.

**Recreational Vehicle** means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels to provide temporary living accommodation for travel and recreational purposes and includes such vehicles as a motor home, fifth wheel, camper, travel trailer, and tent trailer.

**Religion** means a place of religious worship and associated assembly halls.

**Residential Dormitory** means the use of a Building or collection of Buildings for temporary but extended residential Use, as premier workforce accommodations, with 24-hour staffed reception/lobby, where residents are provided with:

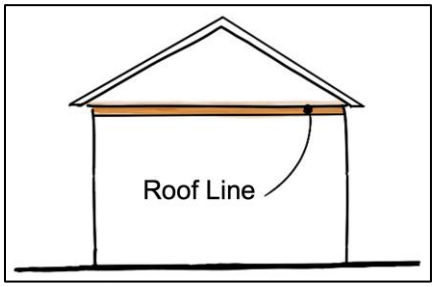
a. exclusive Sleeping Accommodation Units with bathroom but no Cooking Facilities;
b. meals in communal dining areas;
c. communal facilities for laundry, meeting rooms and recreation, all in return for remuneration

**Rest Home** means an establishment for the non-medical care of the aged or infirm.

**Restaurant** has the same meaning as Restaurant, Café, Snack Bar.

**Restaurant, Cafe, Snack Bar** means any business where prepared food and/or beverages are sold to the public for consumption on or off the premises, and will include a cafe, cafeteria, snack bar, sandwich shop, soda fountain, coffee bar, quick food, drive-in cafe and restaurant.

**Roof Line** means the horizontal line made by the intersection of the wall of the Building with the roof of the Building. In the case of a Building with a pitched roof, the roof line shall be at the eaves level.




**Rooming House** means an establishment other than a Hotel, Motel or tourist court, where sleeping accommodation only is provided for remuneration to not less than three persons.

**Row House** has the same meaning as Dwelling, Terrace.

**Rural Resort** means a commercial business providing accommodation and entertainment and opportunity for leisure activities to paying guests in any combination of Uses permitted in the Rural Resort Zone (G4-A).

**Salvage Yard** includes any land or Building used for the storage, processing or conversion of any worn out or discarded metal, paper, glass or other material to some use.

**Secondary Use** or **Accessory Use** means Uses identified in the list of secondary or accessory uses in the Zones of Part 9 of the *Kitimat Municipal Code*, which are intended to be incidental to and are only permitted in conjunction with an established Principal Use.

**Service Station** means any Building or land used for the retail sale of petroleum fuels, liquefied petroleum gas and compressed natural gas and oils, the sale of automobile accessories, and repairs to motor vehicles.

**Shipping Container** means a pre-manufactured rectangular structure of metal (or other) construction typically used for freight transport, and/or portable storage of goods and/or commodities that are delivered to a site as a fully contained unit. It also refers to a standardized shipping/freight container that may be rented or owned by the Owner or occupant of a property and used to house goods, commodities, household items, or people on a temporary or permanent basis.

**Shipping Container, Permanent** means the use and placement of a Shipping Container as an Accessory Building or Structure, as authorized by: zoning; development variance permit (commercial zone site outside downtown revitalization area (DRA)); or development permit (site in DRA or multi-family Zone).

**Shipping Container, Temporary** means the use and placement of a single Shipping Container as an Accessory Building or Structure for the duration of six months. Maximum one temporary container on any single- or two-family residential property. One renewal after the first six-month term is permissible. Term may be extended by development permit to match duration of construction on a multi-family property.

**Sign** means an exterior painting, illustration or description used to:

a. identify an institutional, industrial, commercial, residential, professional or recreational Use or product;
b. identify a Building, Structure or occupants;
c. indicate a hazard;
d. give notice of prohibitions and penalties;
e. promote the sale or lease of real estate;
f. indicate a direction; and

includes any Structure the prime purpose of which is to support, border, illuminate, animate, or protect a sign.

**Sign, Advertising** means a Sign which identifies or directs attention to a business, profession, commodity or place of entertainment upon the Site at which the sign is located. Advertising signs may also refer to the goods or services produced, offered for sale or obtainable at the Site.

**Sign, Animated** means any Sign which includes action or motion at a constant intensity of illumination but does not include revolving or rotating signs. Animated signs may refer to signs with moving letters, symbols or changing messages.

**Sign, Area** means the entire area of a Sign on which Copy could be placed and includes any frame or embellishment which forms an integral part of the display but does not include landscaping or support structure:

a. for double-faced or multi-faced signs, the average of the area of all sign faces will be counted in sign area calculations;
b. where a sign has no easily measurable faces, the area shall be the area enclosed within the outer perimeter of a sign measured at its orthographic projection;
c. where a sign has no frame, border, or background, the area of a sign shall be calculated on the basis of the smallest squares or rectangles that will enclose the individual letters, figures or symbols of the sign.

**Sign, Billboard** means a Sign which directs attention to a business, commodity, service or entertainment which is sold or offered elsewhere than on the Site at which the billboard is located.

**Sign, Canopy** means a Sign attached to or constructed in or on the face of a Canopy and which does not extend horizontally beyond the limits of the Canopy.

**Sign, Changeable Copy** means a Sign on which Copy can be changed manually through the use of attachable letters, numerals and pictorial panels, or automatically by electronic switching of lamps or illuminated tubes.

**Sign, Community Activity** means a Sign or banner indicating a community cause, festivity or event including charitable fundraising campaigns.

**Sign, Contractor** means a Sign erected on the Site of the Building or Structure under construction displaying the name of the building, Owners, architects, consultants and contractors.

**Sign, Directional** means a non-advertising Sign designed to direct pedestrian or vehicular traffic.

**Sign, Election** means a Sign erected to promote the election of a particular candidate or the voting or support of a particular cause at an election.

**Sign, Fascia** means a flat Sign which is affixed, painted or attached to the face of a wall, the sign running parallel for its whole length, and which does not project more than 0.3 metres from the face of the wall. For purposes of regulation Fascia Sign will include window sign when such sign is of a permanent nature.

**Sign, Flashing** means an Illuminated Sign which contains an intermittent or flashing light source or which exhibits noticeable changes in light intensity. Signs which produce

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the effect of sudden change in light or colour by means of revolution only shall also be deemed to be flashing signs.

**Sign, Free Standing** means a Sign, independently supported and visibly separated from a Building or other Structure and permanently fixed to the ground.

**Sign Identification** means a sign which is limited to the name, address and number of a Building, institution or person, and to the activity carried on in the Building or institution, or the occupation of the person.

**Sign, Illuminated** means a Sign fitted with a source of artificial light which may be internal or external to the sign.

**Sign, Projecting** means a Sign which projects more than 0.3 metres from the face or wall of a building, but does not include a Canopy Sign or Fascia Sign.

**Sign, Real Estate** means a Sign which indicates that a Building or property on which the sign is located is for sale, rent or lease.

**Sign, Revolving** means a Sign, all or part of which revolves or rotates, or partly revolves or rotates, but does not include Animated Signs.

**Sign, Roof** means a Sign erected upon the roof or above the eaves or the parapet of a Building, the entire face of which is situated above the Roof Line of the Building to which it is attached. Roof signs shall exclude Fascia Signs which are affixed to elevator or ventilating machines on the roof of a building.

**Sign, Subdivision** means a Sign which identifies the subdivision of Lots or which advertises Lots for sale within the subdivision.

**Sign, Temporary** means a Sign which is not permanently installed or affixed to any sign Structure or Building.

**Sign, Window** means a sign either painted on or attached to or installed inside a window for purposes of viewing from outside the premises. Window signs do not include merchandise located in a window.

**Site** means an area of land occupied or capable of being occupied by Buildings or Structures and consisting of one registered Lot.

**Site Coverage** or **Lot Coverage** means a portion of the Site area expressed as a percentage that is covered above ground by a Building or Buildings.

**Site Line** deleted by Bylaw No. 2041, 2023

**Sleeping Accommodation Unit** means a habitable room used or intended to be used for sleeping and living purposes, and which does not include Cooking Facilities. A bathroom containing a water closet, sink and a bath or shower may be shared

between two or more rooms.

**Social Housing** means housing provided by a provincial housing authority or a non-profit organization at below market rental housing rates to individuals or families who qualify for assistance based on such criteria as: household income; physical or mental ability; and age.

**Staff Dormitory** means a Building or part of a Building operated by a Rural Resort or institution, containing a room or rooms without Cooking Facilities and intended to be used as sleeping accommodation and living space by staff members or employees or institution residents.

**Staff Residence** is a Detached Dwelling or dormitory residence occupied by staff member(s) of an institution located on the same property.

**Storey** means that portion of a Building between the top surface of a floor and the top surface of the next floor or roof above, except that a space used exclusively for the housing of mechanical services of the Building shall not be considered a storey.

**Street** means a public or private right-of-way which affords principal means of Access to abutting properties.

**Street Line** means the boundary between the Street and Site.

**Structure** means a construction of any kind whether fixed or placed on land or water. Structure includes stairs, platforms, poles, towers, sheds, shipping containers, bins, fences, signs, tanks, pools, piers and floats but does not include clothes lines or radio and television antennas.

**Structural Alterations** means any change in the shape or size of any portion of a Building or of the supporting members of a Building or Structure such as walls, columns, beams, ridges, girders, floor joists and roof joists.

**Studio or Craft Workshop** means a facility for small-scale, on-site production and sale of goods including, but not limited to such uses as bakeries, craft shops, art and sculpture studios, and furniture makers.

**Townhouse** has the same meaning as Dwelling, Terrace.

**Trade, Retail** or **Retail** means sale of commodities directly to the ultimate consumer.

**Trade, Wholesale** or **Wholesaling** means sale of commodities primarily to retail establishments and not intended for direct consumption; may include incidental sale at retail of the commodities.

**Trailer** means a structure intended to provide accommodation to the travelling public and which is capable of being towed by a motor vehicle. Trailer includes a holiday camper and Recreation Vehicle but does not include a Manufactured Home.

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**Trailer Camp** means a parcel of land which is developed to allow location of two or more Trailers.

**Transport Terminal** means the use of land, Buildings and Structures for passenger and commercial transportation services such as bus depots and courier operations.

**Triplex** means a Dwelling containing three Dwelling Units joined to each other on one or more sides by party wall or walls.

**Use** means the purpose of which land or a Building is arranged or intended, or for which either land, a Building or a Structure may be occupied and maintained.

**Warehousing** means the use of Buildings and Structures for receiving, storage, and shipping of goods.

**Winery** means a winery that is licensed under the *Liquor Control and Licensing Act* to produce wine.

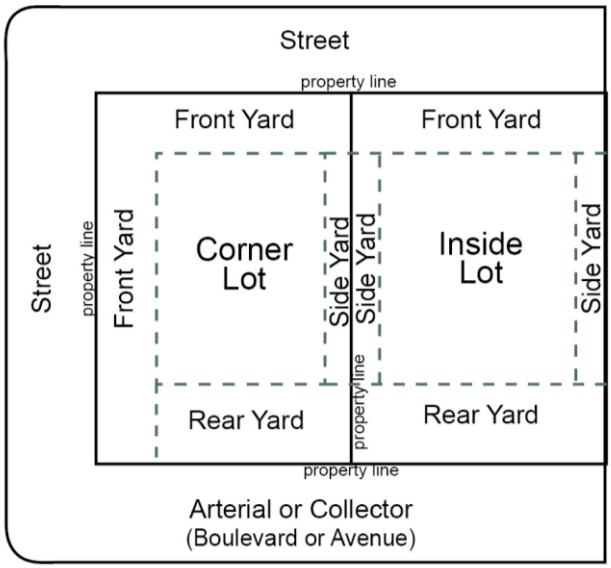
**Yard** means an open space within a site unoccupied from the ground to the sky.

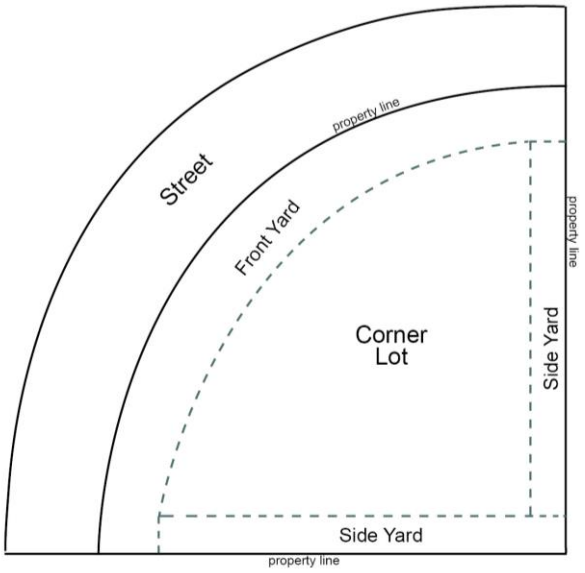
**Yard, Front** means a Yard extending across the full length of front Lot line as determined by Frontage, depth at which is determined by required minimum front yard setbacks in applicable Zone. In the case of a Corner Lot, any Yard extending along the full length of a Street shall be considered a front yard, or as determined by the Director of Planning.

**Yard, Rear** means a Yard extending across the full length of the rear Lot line, opposite the Front Lot line, depth of which is determined by required minimum rear yard setbacks in applicable Zone. In the case of a Corner Lot, there may be Side Yard(s) where there is no rear yard, or as determined by the Director of Planning.

**Yard, Side** means a Yard which extends from the Front Yard or the front Lot line where no Front Yard is required, to the Rear Yard; width of which is determined by the required minimum side yard in applicable Zone.

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**Zone** means an area delineated on the District of Kitimat zoning map for which there are specific land Use and other permissions and regulations outlined in the *Kitimat Municipal Code.*

PART 9 - PLANNING
Division 2 - Zoning

Subdivision 1 - General

9.2.1. Purpose

1. The zoning regulations adopted in the District of Kitimat are primarily for the following purposes:

   a. to create conditions for integrated development of land, water, buildings and structures to enable the citizens to live, work and seek leisure effectively;

   b. to ensure safe and efficient movement of people and goods;

   c. to achieve a well balanced and harmonious development within the lower Kitimat Valley.

Basic Provision

2. No building or structure shall be constructed, erected, altered, or moved and no building, structure, land or water shall be used in the District of Kitimat except as laid down in this Code.

3. Any business, holding a valid business licence, may apply for a liquor primary licence in accordance with the *Liquor Control & Licensing Ac*t and successor regulations; any licence issued is subject to restrictions and provisions established by the *Liquor Control and Licensing Act* and the *Kitimat Municipal Code.*

4. No person shall use any land or building for the use of Cannabis Retail, and except as specifically permitted by this Bylaw no person shall use any land or building for the use of Cannabis Production.

Use Zones

5. The area incorporated into the District of Kitimat is hereby divided into the following Use Zones:

   a. Residential Zones as in Division 4;

   b. Commercial Zones as in Division 5;

   c. Industrial Zones as in Division 6;

   d. Greenbelt Zones as in Division 7.

Subdivision 1 - General (Continued)

Zoning Map

9.2.1.

6. The various use zones established by this Division are bounded and described on the plans entitled "Zoning Map of the District" which, with all explanatory matters thereon, accompanies and is part of this Division.

Zoning Inspection

7. The Planning Officer and the Building Inspector are hereby authorized to enter, at all reasonable times, upon any property to inspect or check that all buildings, structures and uses conform to this Division.

Non-Conforming Lots, Structures

8. Notwithstanding the provisions of this Code, any lot which conformed to the minimum lot frontage and lot area requirements in force at the time of subdivision registration of this lot, shall be considered to conform to the provisions of this Code.

9. Notwithstanding the provisions of this Code, any building or structure which was erected, constructed, located, altered or reconstructed in accordance with the provisions of this Code in force at the time of issuance of the Building Permit for that building or structure, shall be deemed to conform to the provisions of this Code; but all extensions or modifications to such building or structure shall conform to the current provisions of this Code.

New Construction

10. In addition to all other regulations in the Code, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged except in accordance with the provisions of PART 9.

Camping

11. Camping is permitted in Designated Campgrounds and on un-alienated provincial crown land which is in the G5 Forestry Zone; or in the G2 Local Park Zone and:
a. 500 metres or more East of Highway 37; or
b. West of CN rail track and North of District Lot 6071 Range 5 Coast District.

Subdivision 1 - General (Continued)

12. Camping is permitted on private land which is zoned to allow a Designated Campground; or where express written permission from the owner or occupier of that property is available for inspection by any official named in Part 1, Subdivision 2 for infractions under Part 9 of the *Kitimat Municipal Code*.

Bed and Breakfast (B&B)

Added by Bylaw No. 2041, 2023

13. Where permitted in applicable Zones, a Bed and Breakfast shall comply with the following conditions:

    a. Maximum two bedrooms per property in the R1-A, R1-C and R6-A Zones.
    b. Maximum two bedrooms per Dwelling in the R6-B Zone.
    c. Maximum three bedrooms per property in one- and two-family residential Zones (other than R1-A, R1-C, R6-A, and R6-B),
    d. Maximum six bedrooms per lot in the G3, G3-A, G3-B, G3-C, G5, and G5-A Zones.
    e. Residential character of the Dwelling, Accessory Buildings, Site and neighbourhood is not altered, traffic congestion is not created, and quiet enjoyment of neighbourhood properties is not impaired.
    f. Number of residents - including Lodgers, where permitted - and Guests does not exceed eight.
    g. Property owner/business operator and all persons employed by the B&B reside in the Dwelling.
    h. B&B use is contained within the Dwelling.
    i. Business operator provides off-street parking for all residents and Guests.
    j. Exterior indication of B&B business is limited to a single unilluminated Sign. See *Kitimat Municipal Code* Sign regulations for details.
    k. Business shall have a valid business license.

Bed and Breakfast Inn

14. Where permitted in applicable Zones, a Bed and Breakfast Inn shall comply with the following conditions:

    a. Residential or rural character of the Dwelling, Accessory Buildings, Site and neighbourhood is not altered, traffic congestion is not created, and quiet enjoyment of neighbourhood properties is not impaired.
    b. Business operator resides on the premises, no more than two persons who do not reside on the premises may be employed by or otherwise work at the Inn, and number of residents and Guests does not exceed twenty.

c. Use is contained within the Dwelling.
d. Communal dining room is used exclusively by Guests and residents.
e. Business operator provides off-street parking for all residents, employees, and Guests.
f. Exterior indication of business is limited to a single unilluminated Sign. See *Kitimat Municipal Code* Sign regulations for details.
g. Business shall have a valid business license.

Accessory Dwelling Unit (Detached)

Added by Bylaw No. 2041, 2023

15. Where permitted in applicable Zones, an Accessory Dwelling Unit (Detached) shall comply with the following conditions:

a. Accessory Dwelling Unit (Detached) must be Accessory to the principal residence or, when permitted in a commercial Zone, be Accessory to the residence of the store operator.
b. Accessory Dwelling Unit (Detached) must be in lieu of the second Dwelling Unit permitted in the principal residence (where permitted).
c. Accessory Dwelling Unit (Detached) must be located in whole or part of a detached Dwelling,
d. A Landscape Screen must be included between any Accessory Dwelling Unit (Detached) and residence(s) on abutting parcels.
e. An Accessory Dwelling Unit (Detached) shall not exceed 100 square metres in floor area.
f. Subdivision or stratification of an Accessory Dwelling Unit (Detached) is not permitted.
g. Accessory Dwelling Unit (Detached) shall not include Guest or tourist accommodation use, except in conjunction with one Bed and Breakfast operation licenced for the same parcel (where permitted).
h. Accessory Dwelling Unit (Detached) shall not be used for other Principal or Accessory Uses permitted in the Zone, except Home Occupation and Home Business Address (where permitted).

Hobby Farm

Added by Bylaw No. 2041, 2023

16. Where permitted in applicable Zones, a Hobby Farm shall comply with the following conditions:

a. Hobby Farm property(ies) and the adjacent property with the residence must either:
i. be under the same ownership as registered in the

Land Title Office; or

ii. have a covenant registered under section 219(2)(d) of the *Land Title Act* linking the properties, such that one property cannot be sold or otherwise transferred separately from the other property(ies).

b. Adjacent properties must respectively share a full rear or side Lot line, greater than 20 percent of the total Lot perimeter.

c. Adjacent properties must not be separated by a Street, watercourse, right-of-way or other physical barrier, and must appear to be a contiguous lot despite having more than one land title registration.

d. Minimum Lot size for a Hobby Farm property that proposes to keep animals (other than poultry) is 0.5 ha.

e. Keeping of animals is limited to:
   i. maximum 3 sheep per hectare;
   ii. maximum 12 poultry (up to 1 rooster) per hobby farm;
   iii. maximum 1 swine per hectare with minimum setback of 9m for piggery;
   iii. maximum 2 per hectare of any combination of livestock, horses, mules, asses, cows, or other birds or animals.

f. Any Building or Structure for, and on, the Hobby Farm property(ies) must be sited:
   i. in accordance with Yard requirements for the Zone;
   ii. to maintain a minimum contiguous 175 square metre Building envelope for a future principal residence to be eventually established; and
   iii. so as to not hinder the establishment of a principal residence on the Hobby Farm property(ies).

g. Any Yard which is either opposite to or abutting a residential Zone (R1-A, R1-B, R1-C, R2-A, R2-B, R3-A, R3-B, R4-A, R5-A, R6-A, R6-B) or park shall be 9 metres or more and shall include a 2 metre wide Landscaped Buffer.

h. Hobby Farm use shall not create a fire hazard, electrical interference, or vehicle traffic. Noise, vibration, smoke, dirt, dust, odour, litter, glare and heat associated with a Hobby Farm shall not impair quiet enjoyment of neighbourhood properties.

i. Despite the non-commercial nature of Hobby Farm use, small-scale farm gate sales of eggs, produce, or hand-crafted items grown or produced within Kitimat are permitted as part of the operation of a Hobby Farm, subject to compliance with the following conditions:

i. maximum height: 2.5 metres;
ii. maximum sale area: 4.5 square metres;
iii. eggs and produce must only be kept in sale area between dawn and dusk;
iv. location in Front Yard is permitted only during growing season;
v. valid business licence;
vi. production and sale of Cannabis is prohibited.

j. More than one property may be used for Hobby Farm use provided the total Lot area of the adjacent properties, including the property with the residence, must not exceed 2.5 hectares, and all other provisions are satisfied.

Home Business Address

Added by Bylaw No. 2041, 2023

17. Where permitted in applicable Zones, a Home Business Address shall comply with the following conditions:

a. Residential character of the Dwelling, Accessory Buildings, site and neighbourhood shall not be altered.
b. Communication or contact between a business and any suppliers, employees, customers or clients, shall be limited to mail, telephone, computer and facsimile machine.
c. No goods-including wares, merchandise and foodstuffs-associated with a business may be produced, displayed or sold in the Dwelling or a Building Accessory to the Dwelling.
d. Goods associated with the business may be stored in the Dwelling or a Building Accessory to the Dwelling, provided storage area does not exceed 25 m².
e. There shall be no exterior indication of business.
f. Business activity at the Dwelling shall be performed only by person(s) resident in the Dwelling plus one individual—at a time—who resides off the premise.
g. Business activity shall be completely enclosed in the Dwelling or a Building Accessory to the Dwelling.
h. Property owner must provide off-street parking for all vehicles associated with the business.
i. Business shall have a valid business license.
j. Business shall not create a fire hazard, electrical

interference, or vehicle traffic. Noise, vibration, smoke, dirt, dust, odour, litter, glare and heat associated with the business, shall not impair quiet enjoyment of neighbourhood properties.

Home Occupation

Added by Bylaw No. 2041, 2023

18. Where permitted in applicable Zones, a Home Occupation shall comply with the following conditions:

a. Residential character of the Dwelling, Accessory Buildings, Site and neighbourhood shall not be altered.
b. Business activity at the Dwelling shall be performed only by person(s) resident in the Dwelling plus one individual—at a time—who resides off the premise.
c. Unless related to horticulture or Agriculture, business shall be completely enclosed in the Dwelling or a Building Accessory to the Dwelling.
d. Only goods-including wares, merchandise, and foodstuffs-produced on the premises may be displayed or sold by a home occupation business.
e. Exterior indication of business shall be limited to a single unilluminated Sign. See *Kitimat Municipal Code* Sign regulations for details.
f. Property owner must provide off-street parking for all vehicles associated with either Dwelling or business;
g. Business shall have a valid business licence.
h. Business shall not create a fire hazard, electrical interference, or traffic congestion. Noise, vibration, smoke, dirt, dust, odour, litter, glare and heat associated with the business, shall not impair quiet enjoyment of neighbourhood properties.

Added by Bylaw No. 2041, 2023

Inn

19. Where permitted in applicable Zones, an Inn shall comply with the following conditions:

a. Rural character of the resort Site and neighbourhood is preserved, and enjoyment of neighbourhood properties by the occupants is not impaired.
b. Business operator resides in the premises, and number of residents and Guests does not exceed capacity per occupancy permit.
c. Dining room is used exclusively by Guests and residents.
d. Public assembly events are permitted outdoors and in purpose-built Buildings approved for such Use.

Lodge

Added by Bylaw No. 2041, 2023

20. Where permitted in applicable Zones, a Lodge shall comply with the following conditions:

a. Rural character of the resort Site and neighbourhood is preserved and enjoyment of neighbourhood properties by the occupants is not impaired.
b. Business operator resides in the premises, and number of residents and Guests does not exceed capacity per occupancy permit.
c. Dining room, lounge and other Lodge facilities may be open to the general public.
d. Public Assembly events are permitted outdoors and in purpose-built spaces or Buildings approved for such Use.

Added by Bylaw No. 2041, 2023

Shipping Containers

21. The use of a Shipping Container as an Accessory Building or Structure shall comply with the following conditions:

a. Shall not be located over septic tanks, nor obstruct any required accesses, including accesses to parking spaces, loading areas or underground services and utilities.
b. Shall satisfy existing siting regulation for Accessory Buildings and Accessory Structures, with the exception of Temporary Shipping Containers in residential Zones (i.e., located on a driveway).
c. Shall not be used for fencing or screening on any Lot containing a Single Family or Semi-Detached Dwelling.
d. Shall require a seasonal storage building permit for temporary use up to 6 months, and eligible for one renewal. A bond of $1000 will also be required for use of a Temporary Shipping Container.
e. Shall require stamped engineering drawings for shipping containers that are visibly corroded or that will require significant alterations to exterior shell or structure.
f. Shall conform to conditions of the *BC Building Code*, *BC Fire Code*, *Environmental Management Act*, and any other relevant acts or statutes and regulations.

## Subdivision 2 - Development Applications - Review Process and Fees

### 9.2.2. Official Community Plan Amendments

1. When a proposed development would not correspond with the general land use guidelines of the Official Community Plan, Council shall consider an application for amendment of the Official

Community Plan.

Zoning Amendments

2. When a proposed development would not correspond with the zoning provisions of the Kitimat Municipal Code, Council shall consider an application for rezoning or development variance.

Board of Variance Hearings

3. a. When a proponent alleges (a) compliance with regulations, as specified by the Local Government Act, will cause undue hardship; or (b) the Building Inspector has made an error in determining amount of damage, as specified by the Local Government Act; the Board of Variance shall consider an application for a hearing.

b. PART 1, Division 9 of the Kitimat Municipal Code describes both application and appeal processes; see 9.2.2.11. for application fee.

Permits to Manage Development

4. When a proposed development would not correspond with the Kitimat Municipal Code, regulations or standards for constructing and installing works and services, and where permitted by the Local Government Act, Council shall consider an application for a development variance permit.

5. When a proposed development would not correspond with the terms of land use contract, Council shall consider an application for amendment of the land use contract.

6. When development is proposed for a site designated, by the Official Community Plan, as a Development Permit area, Council shall consider an application for a development permit.

Temporary Use Permits

7. When a temporary use is proposed for a site designated, by the Official Community Plan or Kitimat Municipal Code, as an area where temporary uses may occur, Council or the Planning Officer, shall consider an application for a temporary use permit.

8. Prior to expiry of a temporary use permit Council, or the Planning Officer, may consider one application for renewal.

9. Any business requiring a Temporary Use Permit is not eligible for a liquor primary license.

Application Forms

10. Any development application shall be submitted in writing; by the property owner, or an authorized agent of the owner; on the form prescribed by the District of Kitimat, or in a letter providing the same information and level of detail as the prescribed form.

Application Fees

11. Any development application shall be accompanied by processing, inspection and advertising fee payments specified below:

| TYPE OF APPLICATION | PROCESSING AND INSPECTION FEE | ADVERTISING FEE | TOTAL FEE |
|---|---|---|---|
| Board of Variance Hearing | $300.00 | no charge | $300.00 |
| Development Permit | $700.00 | no charge | $700.00 |
| Development Permit - DRA | $50.00 | no charge | $50.00 |
| Development Permit Amendment (Outside DRA) | $250.00 | no charge | $250.00 |
| Development Variance Permit | $350.00 | no charge | $350.00 |
| Land Use Contract Amendment | $400.00 | no charge | $400.00 |
| Official Community Plan Amendment | $700.00 | $1,000.00 | $1,700.00 |
| Official Community Plan Amendment and Rezoning | $700.00 | $1,000.00 | $1,700.00 |
| Rezoning | $700.00 | $800.00 | $1,500.00 |
| Temporary Use Permit | $250.00 | $250.00 | $500.00 |
| Temporary Use Permit Renewal | $100.00 | $250.00 | $350.00 |
| Comfort Letter | $200.00 | no charge | $200.00 |
| License of Occupation | $500.00 | $500.00 | $1,000.00 |

12. If a development application is withdrawn or denied before Council has (a) set a date for the public hearing; or (b) contracted for advertising; the advertising fee shall be refunded.

Subdivision 2 - Development Applications - Review Process and Fees (Continued)

9.2.2.

13. If Council, or the Planning Officer, deems it is not necessary to advertise an application to renew a temporary use permit, the advertising fee shall be refunded.

REVIEW AND DECISION PROCESS

Staff Review

14. Every complete development application shall be received and reviewed by the Municipal Administration, and may be circulated to outside agencies and interest groups. Applications for development permits within the DRA shall be referred to a Design Panel which may prepare a report for consideration by Council. Members of municipal staff and the applicant may be consulted by Panel members during the course of deliberations. To address concerns raised during this review process and expedite processing, further information may be required from the applicant.

15. After reviewing the development application and comments received from other departments, outside agencies and interest groups, the Chief Administrative Officer, or designate, may prepare a report for consideration by Council.

16. A report to Council may contain information about the development application and the subject property; and recommendations on amendment bylaw text, land use contract text, permit terms and conditions, undertakings, performance standards, and amount and means of security to be posted by the applicant.

17. A report to the Planning Officer regarding any Temporary Use Permit application must contain a summary of staff and community comment; and may contain recommendations regarding permit terms and conditions, performance standards, and amount and means of security to be posted by the applicant.

18. Where an application for a development permit is in relation to the Downtown revitalization Area (DRA) and costs related to the application are below $50,000; the director of community Planning & Development may, upon receipt of the fees and accompanying information, grant a development permit. Council would be notified of staff decisions and would remain an appeal body.

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Subdivision 2 - Development Applications - Review Process and Fees (Continued)

9.2.2 Consideration

19. Planning Officer may, upon receipt of a Temporary Use Permit application: (a) complete Public Review as outlined in Sections 19 and 20(a); and (b) approve the application, refer the application to Council, or deny the application.

20. Any applicant for a temporary use permit may appeal a decision of the Planning Officer to Council.

Council Consideration

21. Council may, upon receipt of a development application and a staff report:

    a. deny the application; or

    b. proceed with the application, as written or as amended by resolution.

Public Review

22. When Council decides to proceed with a development application, Council shall authorize the Municipal Administration to issue notice and/or advertise the application in conformance with Local Government Act requirements.

23. a. Notwithstanding 9.2.2.18., all notices shall be mailed, or otherwise delivered, at least ten days prior to the Council meeting at which the development application will be considered.

    b. Notice of development permit applications at sites in the DRA may also be given to the Kitimat Downtown Revitalization Association.

    c. Notice of development variance permit applications shall be given to owners and tenants of property 30 metres or less from the subject property; notice of all other types of development applications shall be given to owners and tenants of property 90 metres or less from the subject property.

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Subdivision 2 - Development Applications - Review Process and Fees (Continued)

9.2.2. 24. Notwithstanding 9.2.2.18., a sign advising of a pending application may be posted at the subject site; and newspaper advertisements may be run to announce intention to issue a development permit for lands outside the DRA.

25. Persons wishing to register an opinion on a development application, may make a written submission to Council or may appear before Council.

Council Decision

26. After hearing public comment, Council may:

a. deny the application or authorize the application as written or as amended by resolution; or

b. adopt the bylaw as written or as amended by resolution.

27. The Municipal Administration shall inform applicants of permit status, in writing, within fifteen days of Council's decision.

Authorized Development Applications

28. The Municipal Administration shall complete and issue authorized permits.

29. The Municipal Administration shall notify the Land Title Office of development permits, development variance permits, and temporary use permits issued by the District of Kitimat.

Denied Development Applications

30. Subject to Local Government Act requirements, applications denied by Council may be submitted again six months or more from the date of denial.

PART 9 - PLANNING
Division 3 - Signs

Subdivision 1 - Applications and Compliance

Bylaw No. 2017, 2022

9.3.1. 1. No sign shall be erected, placed, altered, maintained, demolished, or removed unless in conformity with this bylaw or any other relevant District bylaw.

2. Where referenced, zones are described by Part 9, Division 2 of the Kitimat Municipal Code.

3. This bylaw shall not apply to signs erected by the District of Kitimat, including:

a. signs on or over city streets installed or authorized by the city engineer for the control of traffic and parking;

b. signs indicating street names and direction;

c. signs indicating hazards, prohibitions and penalties;

d. public notice signs.

Subdivision 2 - Non-Conforming Signs

9.3.2. 1. Any sign lawfully in existence at the time of the adoption of this bylaw, although such sign does not conform with the provisions of this bylaw, may continue to be used, provided it is maintained in a safe condition.

2. Any sign lawfully in existence at the time of the adoption of this bylaw, shall not be rebuilt, reconstructed, altered or moved unless in conformity with the provisions of this bylaw.

Subdivision 3 - Prohibitions

9.3.3. 1. The following signs shall not be permitted within the District of Kitimat:

a. billboard signs;

b. roof signs;

c. signs not specifically permitted by this bylaw;

Subdivision 3 - Prohibitions (Continued)

9.3.3. 1. d. signs on vacant lots, except:

(1) contractor signs naming project, architect, engineer or contractor;

Bylaw No. 2017, 2022

(2) sign for community cause or festivities, charitable fund raising or Election Signs~~;~~

(3) real estate or subdivision sign.

Subdivision 4 - General Regulations

9.3.4. 1. Every sign shall be maintained in a clean, neat and safe condition.

2. No sign shall be flashing unless specifically permitted herein.

3. No sign shall obstruct any part of a doorway, exit or fire escape or be placed in such a manner as to interfere with any electric light, power, telephone or telegraph wires, or the support thereof.

Siting and Location Standards

4. Except as otherwise provided in this bylaw:

a. no sign shall project or extend above any eaves line, parapet wall or roof line of a building;

b. (1) no person shall place, erect, or suspend or cause to be placed, erected or suspended any structure or sign over any sidewalk, street or other public place, except for a canopy, without first entering into an encroachment agreement with the District of Kitimat;

(2) no part of any canopy or sign shall be less than 2.5 metres above any municipal sidewalk, or other public place, and no part of any canopy or sign shall extend closer than one and one-half (1.5) metre to the travelled portion of any street or lane;

Subdivision 4 - General Regulations (Continued)

9.3.4. 4. c. (1) no sign shall, by reason of its location, colour, action or intensity, create a hazard to the movement of vehicular or pedestrian traffic;

(2) at intersections, there shall be no obstruction to the line of vision from the ground to 3 metres above the established grade of streets within an area bounded by the centre lines of intersecting or intercepting streets and a line joining a point on each of the centre lines TWENTY-FIVE (25) metres from their intersection, provided that signs erected by the District of Kitimat and utility poles shall not be considered obstructions for this purpose;

Bylaw No. 2017, 2022

d. (1) no signs for community causes and festivities, or charitable fund raising campaigns purposes shall be erected on public space without obtaining a temporary permit subject to the following conditions:

(a) a written request to erect or display any such signs together with a total deposit of $50.00 shall be submitted to the Chief Administrative Officer or delegate before any sign is proposed to be erected, giving the dates for which such sign or signs are required, and the type, size and proposed location of each sign;

(b) no such temporary sign shall be erected or displayed until a permit has been issued by the Chief Administrative Officer or delegate. Such a permit shall not be for a period exceeding THIRTY (30) days;

(c) the deposit shall automatically be forfeited if each and every sign covered thereby is not removed by the end of the permitted period.

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Subdivision 5 - Temporary Signs

9.3.5. 1. Unless otherwise specified, a temporary sign may be a fascia or a freestanding sign.

2. Unless otherwise stated, temporary signs may be displayed in all land use zones.

3. Temporary Signs shall be permitted subject to the provisions contained in this subdivision.

| **a. Community Activity Signs** | **Maximum Area (m²)** | **Maximum Height (m)** | **Duration (days)** | **Conditions** |
|---|---|---|---|---|
| All Zones | 3 | 2.5 | 30 | May be erected on public property subject to provisions of 9.3.4.4.d |
| **b. Contractor Signs** | **Maximum Area (m²)** | **Maximum Height (m)** | **Duration (days)** | **Conditions** |
| Residential<br>R1-A, R1-B, R1-C, R2-A, R2-B, R6-A | 1.5 | 2.5 | | a. Limit One Sign per Lot<br>b. May only be displayed during construction |
| All Multi-Family Residential, Commercial, Industrial, and Greenbelt Zones (except G2) | 3 | 2.5 | | |
| **c. Election Signs** | **Maximum Area (m²)** | **Maximum Height (m)** | **Duration (days)** | **Conditions** |
| All Zones | 3 | 2.5 | As per Subdivision 12 | May be erected on public property subject to provisions of Subdivision 12 |
| **d. Real Estate Signs** | **Maximum Area (m²)** | **Maximum Height (m)** | **Duration (days)** | **Conditions** |
| Residential<br>R1-A, R1-B, R1-C, R2-A, R2-B, R6-A, R6-B | 0.6 per face | 2.5 | | One single or double-faced sign per street frontage; Maximum two signs |
| Multi-Family Residential (except sale of manufactured homes), Commercial, Industrial, and Greenbelt Zones (except G2) | 3 per face | 2.5 | | One single or double-faced sign per street frontage |
| Real estate signs may be replaced or amended by a sold sign which shall be removed when purchase registered with Land Title Office. | | | | |

Bylaw No. 2017, 2022

Subdivision 5 - Temporary Signs (Continued)

| e. Subdivision Signs | Maximum Area (m²) | Maximum Height (m) | Duration (days) | Conditions |
|---|---|---|---|---|
| All Zones | 3 per face | | | One single or double-faced sign per street access to the approved subdivision |
| Shall be removed within 30 days of completion of a binding contract for the sale of last lot within approved subdivision. | | | | |
| **f. Shipping Container Signs** | | | | |
| Shall be affixed to side of shipping container | | | | |
| Shall be for sole purpose of promoting the business, company, or supplier using the shipping container. | | | | |
| Shall comply with regulations on sign dimensions | | | | |

Subdivision 6 - Permanent Signs

9.3.6. 1. Permanent Signs shall be permitted subject to the provisions contained in this subdivision.

| **a. Canopy Signs** (includes signs suspended from a canopy) | **Maximum Area** | **Maximum Projection** | **Minimum Clearance** | **Conditions** |
|---|---|---|---|---|
| Greenbelt G1, G4, G5-A, G6-A<br>All Commercial and Industrial Zones | 1.0m² for each 3m of canopy length | 0.3m from canopy face | 2.5m above finished grade | Signs must not extend or project beyond horizontal limit of canopy. |
| Sign Suspended from Canopy | | | 2.5m above finished grade | Parallel or perpendicular to building face. |
| **b. Directional Signs** | **Maximum Area (m²)** | **Maximum Height (m)** | **Conditions** | |
| Multi-Family Residential:<br>R3-A, R3-B, R3-C, R4-A, R5-A, R6-B<br>Greenbelt:<br>G1, G2, G4, G5, G5-A, G6-A<br>Commercial Zones<br>Industrial Zones | 1.5 | 2.5 when freestanding | May be fascia or freestanding | |
| **c. Fascia Signs** | | | | |
| Greenbelt:<br>G1, G2, G5, G5-A, G6-A<br>Commercial Zones<br>Industrial Zones | Function: advertising, directional, and identification signs.<br>Maximum 20% of building face to which sign is attached.<br>May not extend beyond building face. | | | |
| **d. Freestanding Signs** | **Maximum Area (m²)** | **Maximum Height (m)** | **Conditions** | |
| Greenbelt: G1, G2 | 3 | 2.5 | One single or double-faced sign | |
| Commercial: C4, C5 | 3 | 9 | | |
| Greenbelt: G4, G5, G5-A, G6-A<br>Commercial: C1, C2, C6, C7, C8, C9, C10, C11, C12, C13<br>Industrial Zones | 6 | 9 | One single or double-faced sign; plus, in C9, one freestanding sign not exceeding 2.8 m² and 2m high is permitted. | |
| Commercial: C1, C5, C11, C12, C13 | 12 | 9 | For a hotel or motel | |
| Commercial: C3 | 4.5 | 9 | | |
| Signs may be used for advertising, directional, and identification signs. | | | | |
| Signs may have two faces, each may be maximum area specified. | | | | |

| |
|---|
| Signs exceeding 3 m² shall have minimum 18m from nearest residential property line. |
| Freestanding signs may be located within a required yard. |
| Freestanding signs in Commercial C1 and all Industrial Zones may be flashing. |

Subdivision 6 - Permanent Signs (Continued)

| **e. Projecting Signs** | **Maximum Area** | **Minimum Clearance** | **Conditions** | |
|---|---|---|---|---|
| Greenbelt: G4, G5, G5-a, G6-A<br>Commercial: C1, C2, C6, C7, C8, C10, C11, C12, C13<br>Industrial Zones | 2.5m² per face | 2.5m above finished grade | One projecting sign per building face.<br>One sign only in G4, G5, G5-A, G6-A, C8 and C10.<br>Two signs in C1, C2, C5, C6, and All Industrial Zones. | |
| **f. Identification Signs** | **Maximum Area (m²)** | **Maximum Height (m)** | **Number of Signs** | **Conditions** |
| Residential R1-A, R1-B, R1-C, R2-A, R2-B, R6-A | 0.3 | 2 when freestanding | Limit 1 sign, plus 1 for Home Occupation | |
| Home Occupation R1-B, R1-C, R2-a, R2-B, R6-A | 0.2 | | | |
| Greenbelt G3, G3-A, G3-B, G3-C, G4, G5, G5-A | 0.6 | 2.5 when freestanding | | |
| Home Occupation G3, G3-A, G3-B, G3-C, G4, G5, G5-A | 0.4 | | | |
| Residential R3-A, R3-B, R3-C, R4-A, R5-A, R6-B | 0.6 | 2 when freestanding | | for sites less than 1860m² |
| | 3 | 2.5 when freestanding | | for sites more than 1860m² |
| Home Occupation R3-A, R3-B, R3-C, R4-A, R5-A, R6-B | 0.2 | | | |
| Identification signs may be fascia or freestanding. Freestanding signs may be single or double-faced | | | | |
| **g. Shipping Container Signs** | | | | |
| May be used in Industrial and Commercial Zones to promote a business which is the source of, or company using, shipping container. | | | | |

Subdivision 7 - Application and Issuance of Sign Permits

9.3.7. Permits Required

1. No person shall erect, place, alter or remove any sign, except those exempted in 9.3.8.1. unless an application has been made in writing to the Building Inspector and a Building/Planning Permit for such purposes has been obtained.

Information Required for Permit Application

2. Where applicable, an application for a Building/Planning Permit shall provide the following information:

a. the applicant's name and address;

b. the legal description and street address of the property, building or structure upon which the sign is to be located;

c. the sign manufacturer's name and address;

d. plans drawn to scale giving the dimensions of the sign and the supporting members;

e. the maximum height and clearance of the sign;

f. the weight of the sign and where applicable, the dimensions of the wall surface of the building to which it is to be attached;

g. the proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated;

h. the size and location of all existing signs on the property and/or buildings;

i. cost of the sign;

j. description of advertising copy or wording to be displayed;

k. structural, footing details, and materials specifications for proposed signs;

l. if the sign is to be illuminated or animated, the colours to be used and the technical means by which this is to be accomplished.

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Subdivision 8 - Signs Not Requiring a Permit

9.3.8. 1. The following signs may be permitted without application for a Building/Planning Permit. However, signs shall conform to all other regulations of the Division where applicable:

Bylaw No. 2017, 2022

a. community activity signs;
b. Election Signs;
c. identification or directional signs providing that signs do not exceed 0.3 $m^2$;
d. real estate signs;
e. temporary signs.

Subdivision 9 - Permit Fees

9.3.9. 1. Every applicant for a Building/Planning Permit shall pay to the municipality at the time of issuance, fees in accordance to PART 13, Division 3, of the Kitimat Municipal Code, which states as follows:

| | |
|---|---|
| "Signs" - Home Occupation | $ 5.25 |
| "All other signs for which a Building/Planning Permit is required" | $ 7.90 |

Subdivision 10 - Issuance of Permit

9.3.10. 1. Where the Building Inspector is satisfied that the application for a Building/Planning Permit complies with the provisions of the Division and the required fees paid, a permit shall be issued.

Conditions of Permits

2. The Building Inspector may require as a condition of the Building/Planning Permit, that all drawings and specifications, or any part thereof, shall be prepared by and sealed under the supervision of a registered professional engineer in the Province of British Columbia.

3. A permit may be refused until a letter has been provided by a registered professional engineer in the Province of British Columbia, undertaking to supervise the work authorized by the permit or any part thereof which the Building Inspector considers necessary.

Subdivision 10 - Issuance of Permit (Continued)

4. If the work described in a Building/Planning Permit has not begun within 90 days after the date of issuance of the permit, the permit shall be cancelled and a new permit must be obtained before work is commenced. If the work described in a Building/Planning Permit is not completed within two years of issuance, the permit shall expire and no more work shall take place until a renewal permit has been obtained.

Bylaw No. 2017, 2022

5. A renewal permit shall be valid for a period not exceeding one year but there shall be no restriction on the number of renewal permits which may be issued in respect to any application. No permit renewal other than the first renewal shall be valid unless it is approved by resolution of Council.

Subdivision 11 - Enforcement

9.3.11. 1. Every person who violates any provision of this bylaw or who causes or allows any contravention of its regulations, shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties hereby imposed.

9.3.11. 2. Where a sign contravenes the provisions of this bylaw or is in danger of falling or a menace to the safety of persons or property, the Building Inspector shall give the owner of the property, owner's agent or person responsible for the violation, written notice specifying the violation, ordering that the violation cease and requiring that remedial measures be taken or work be done in the time and manner specified by the notice. In the event of failure to comply, the municipality may take action and remove the sign or cause such remedial works to be done with resulting costs to be borne by the owner.

Subdivision 12 – Election Signs

Bylaw No. 2017, 2022

9.3.12. 1. Definitions

"Election Sign" means a sign identifying any candidate, group of candidates, slate, elector organization, political party or issue for a federal, provincial, local government, school district, or other government entity Voting Opportunity.

"Large Election Sign" means an Election Sign that:

- supports or opposes a position or candidate in relation to a Voting Opportunity; and
- has an area of greater than 0.58 square meters.

"Small Election Sign" means an Election Sign that:

- supports or opposes a position or candidate in relation to a Voting Opportunity; and
- has an area of less than 0.58 square meters.

"Voting Opportunity" means an election, by-election, referendum, alternate approval process petition, plebiscite, or any other event directed as a voting opportunity by District of Kitimat Council resolution.

Election Sign Must Conform to All other Regulations

2. Unless otherwise stated, an Election Sign must conform to the general regulations set out in section 9.3.4 of the *Kitimat Municipal Code*.

3. An Election Sign must conform to regulations set out by the Federal or Provincial Governments in relation to Election Signs.

3. Where there is a conflict between the Kitimat Municipal Code on Election Signs and that of the Federal or Provincial Government, the conflicting provisions of the Kitimat Municipal Code on Election Signs shall be severed, with all other sections still being in force.

Design of Election Signs

4. Election Signs may not reflect any trademarks, logos, taglines, phrases, or other intellectual property held by the District of Kitimat. No sign may be designed to reflect any association, endorsement, referral, or approval of a candidate or a position within a Voting Opportunity by the District of Kitimat.

5. Notwithstanding Section 9.3.12.4 of the *Kitimat Municipal Code,* the District of Kitimat may use its trademarks, logos, taglines, phrases, or other intellectual property to endorse, refer, associate or approve of a position in regards to an alternative approval process petition in which the District of Kitimat has undertaken to gain elector approval as per Section 86 of the *Community Charter*, SBC 2003, c. 26, when Council is seeking community opinion as per Section 83 of the *Community Charter*, SBC 2003, c. 26, or any other event directed as a voting opportunity by District of Kitimat Council resolution.

Election Sign Permit

6. No Election Sign shall be erected on public space without obtaining a temporary permit subject to the following conditions:

(a) a written request to erect or display any such signs together

with a total deposit of $50.00 shall be submitted to the Chief Administrative Officer or delegate before any Election Sign is proposed to be erected, giving the dates for which such Election Sign(s) are required, and the type, size and proposed location of each Election Sign;

(b) no such Election Sign shall be erected or displayed until a permit has been issued by the Chief Administrative Officer or delegate.

(c) the deposit shall automatically be forfeited if each and every Election Sign covered thereby is not removed by the end of the permitted period.

Election Sign Limitations

7. For a voting opportunity initiated by a local government or school district:

(a) No more than twenty-five (25) Small Election Signs and six (6) Large Election Signs located on public property within the District of Kitimat boundary;
(b) Related to elections promoting a candidate, Election Signs are permitted:
    a. only within the election period, beginning with the start of the nomination period and ending following general voting on election day;
(c) Related to a plebiscite, referendum, or an alternate approval process petition, per third party sponsor:
    a. No earlier than thirty (30) days prior to the date of the vote, or response deadline, and ending following voting day.

8. For a voting opportunity initiated by the federal or provincial Government:

(a) No more than fifty (50) Small Election Signs and ten (10) Large Election Signs located on public property within the District of Kitimat boundary;
(b) Related to elections promoting a candidate or party, Election Signs are permitted:
    a. only within the respective election period, beginning with the issuing of a writ of election and ending following general voting on election day;
(c) Related to a plebiscite, referendum, alternate approval process petition, per third party sponsor:
    a. No earlier than thirty (30) days prior to the date of the vote, or response deadline, and ending following voting day.

Limitation on Distance between Election Signs

9. For a local government or school trustee election, no person shall erect either a Small Election Sign or Large Election Sign on public property that is located within ten (10) meters of an Election Sign of the same candidate.

10. For a federal or provincial election, no person shall erect either a Small Election Sign or Large Election Sign on public property that is located within ten (10) meters of an Election Sign of the same candidate or party

11. For a plebiscite, referendum, or alternate approval process, no person shall erect either a Small Election Sign or Large Election Sign on public property that is located within ten (10) meters of an Election Sign that shares support or opposition of the same position.

Enforcement

12. A Bylaw Enforcement Officer may remove, and the Chief Election Officer may order the removal of, an Election Sign that is place or permitted to be placed in contravention of any provision of the *Kitimat Municipal Code*.

13. An Election Sign removed in accordance with Section 9.3.12.10 will be stored at a District facility and may be claimed by the owner of the sign. The Bylaw Enforcement Officer or designate will make a reasonable attempt to identify and notify the owner of the Election Sign.

14. An Election Sign removed pursuant to Section 9.3.12.10 and not claimed within seven (7) business days, becomes the property of the District and may be destroyed or otherwise disposed of by the District without notice to the applicant of the sign permit.

PART 9 - PLANNING
Division 4 - Residential Zoning

Subdivision 1 - General

9.4.1. 1. The purpose of designating parts of the Municipal Code as Residential Zones is to identify appropriate areas for residential development and to integrate these areas with other land uses.

2. The following are Residential Zones:

a. R1-A Residential Zone - One Family - Detached;

b. R1-B Residential Zone - One Family - Detached or Semi-Detached;

c. R1-C Residential Zone - One Family - Semi-Detached or Terrace;

d. R2-A Residential Zone - Two Family - Detached;

e. R2-B Residential Zone - Two Family - Detached or Semi-Detached;

f. R3-A Residential Zone - Multi-Family - Apartment or Terrace;

g. R3-A1 Residential Zone - Special Residential Multi-Family

h. R3-B Residential Zone - Multi-Family - Apartments;

i. R3-C Residential Zone – Mixed Use Social Housing

j. R3-D Multi-Family Residential Zone;

k. R4-A Residential Zone - Multi-Family - Boarding or Rooming Houses;

l. R4-B Residential Zone - Bed & Breakfast Inn

m. R5-A Residential Zone - Special - Welfare or Rest Homes;

n. R6-A Residential Zone - Special - Manufactured Home on Individual Lot;

o. R6-B Residential Zone - Special - Manufactured Home

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Parks.

Subdivision 1 - General (Continued)

9.4.1. 3. Subject to all other regulations, buildings, structures, and uses in Residential Zones shall comply with regulations in this Division.

Buildings on Site

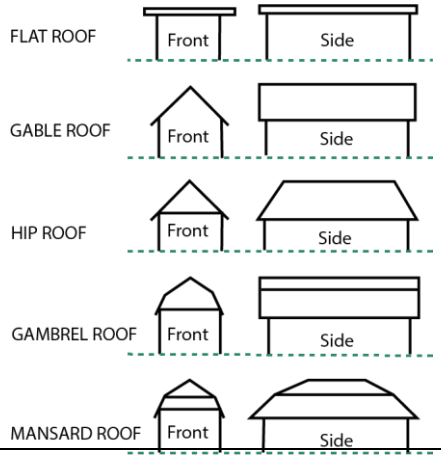
4. Not more than one principal building shall be permitted on a property occupied by a detached or semi-detached dwelling.

5. A principal building shall be set back from property lines to provide required yards in accordance with Part 9, Division 4, Subdivisions 3 to 14.

6. Notwithstanding the provisions of Part 9 Division 4, Subdivisions 3 to 14, all buildings on a corner site shall be set back 4.5m or more from property lines that adjoin a street; and the principal building shall be set back 2.0m or more from all other property lines.

Accessory Buildings and Accessory Structures

7. Accessory Buildings and Accessory Structures may be erected in a required side or rear yard provided:
   a. a yard of 1.2 m or more, as measured from eave to property lines, is maintained;
   b. the height of the accessory building or accessory structure with a gable, hip, gambrel, or mansard roof does not exceed 4.9m;
   c. the height of the accessory building or accessory structure with a flat roof does not exceed 4.3m; and
   d. the height of the accessory building or accessory structure does not exceed the height of the principal building.



Subdivision 1 - General (Continued)

8. A garage or carport contiguous to a corresponding structure of similar design on the adjoining lot may be erected in a side yard.

9. Accessory Buildings and Accessory Structures constructed within the Permissible Building Area may be no more than 9m high provided the height of the accessory building or accessory structure does not exceed the height of the principal building.

10. A patio 0.6m or less above natural grade may be erected in any yard.

11. A private swimming pool, paddling pool, pond or other water feature deeper than 0.5m may be located in a required rear or side yard and must be enclosed on all sides by a fence of 1.8m or more. Fence design and location shall be approved by the Building Inspector and all gates provided with a locking device.

12. Shipping Container, Permanent, shall be painted or screened from road and abutting properties or parks.

13. Development Permit is required for any accessory building(s) on a multi-family zone property; permit term for temporary shipping container(s) will be six months or duration of construction.

Projections on Buildings

14. No sills, belt courses, cornices or eaves shall project more than 0.6 metres into any required yard.

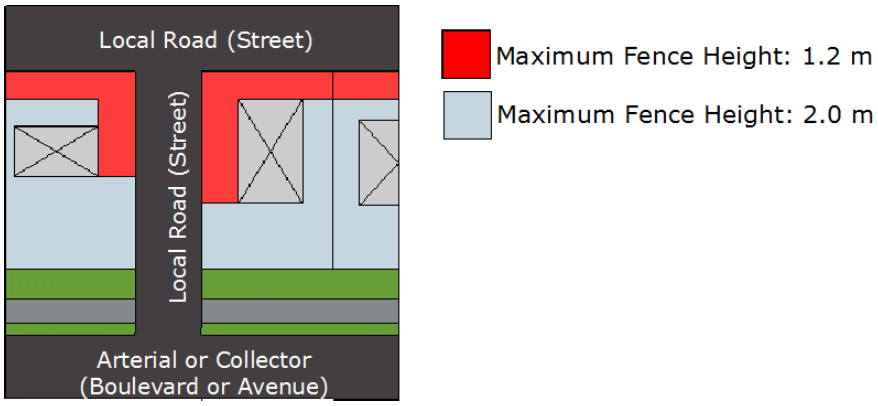
9.4.1. Fences

15. No fence located within a required front yard of 4.5 metres shall be higher than 1.2 metres.

16. The maximum height of other fences within required yards shall be 2 metres.

17. Where a lot intersects two local roads (“Street”), a fence up to 1.2m high may be maintained along frontage and the side yard abutting a road from the front yard to the rear of the dwelling, as shown below. Line of Vision must be maintained as per Part 9 Division 10 Subdivision 5.

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18. Where a lot abuts an arterial ("Boulevard") or collector ("Avenue") road, a fence up to 2.0m high may be maintained along a side or rear yard. Line of vision must be maintained as per Part 9 Division 10 Subdivision 5.

19. No fence which is on a corner lot shall contravene the provisions of 9.10.5.

20. The maximum height of any fence which is not located within a required yard shall be 3 metres.

Parking Prohibition

21. No person shall use a residential property for parking or storing any commercial vehicle which has a gross vehicle mass in excess of 3700 kg except for loading and unloading of goods.

22. No industrial or commercial equipment shall be parked or stored on residential property except during normal working hours when the equipment is actually engaged in the construction, repair, servicing or maintenance of the premises.

23. There shall be no more than three motor vehicles parked on any registered lots in R1-A, R1-B, R1-C, R2-A and R2-B zones.

24. No more than one private recreational vehicle shall be parked or stored on a residential lot between April 1 and October 31 of a particular year.

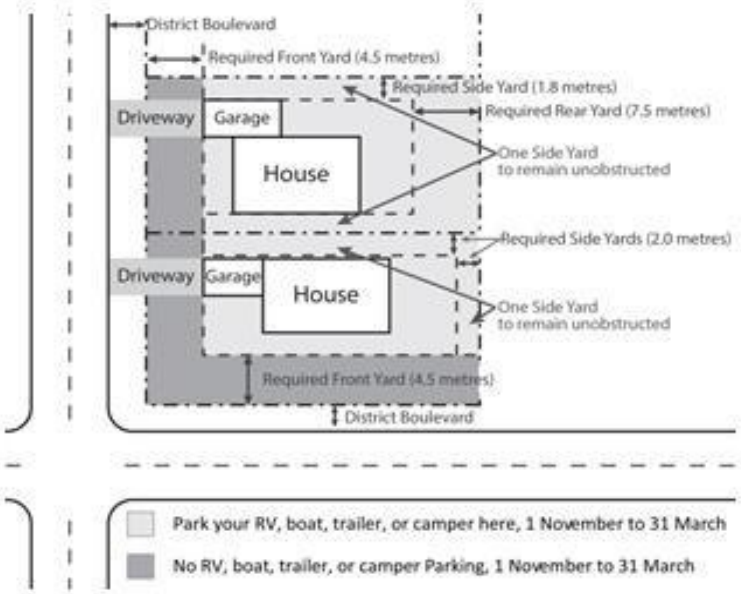
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Subdivision 1 - General (Continued)

9.4.1.

25. No more than one private recreational vehicle shall be parked or stored on a residential lot between November 1 of a particular year and March 31 of the following year, provided that the vehicle in question is parked or stored inside the permissible building area or on permitted access inside property line, and one side yard of 1.8 metres or more is unobstructed. See diagram below.

26. Mobile structures with no motive power of their own and without restricting the generality of the foregoing, including boats and trailers, not exceeding 6.5 metres in length, may be parked or stored provided that in R1-A, R1-B, R1-C, R2-A, R2-B zones their number shall not exceed two per lot provided that between November 1 of a particular year and March 31 of the following year the structure in question is parked or stored inside the permissible building area or on permitted access inside property line, and one side yard of 1.8 metres or more is unobstructed. See diagram below.




27. Deleted.

Subdivision 1 - General (Continued)

9.4.1. Keeping of Animals

28. No person shall keep any horse, mule, ass, cow, sheep, swine, reptile, poultry or fur-producing animal other than a pet rabbit, in any residential zone.

29. Birds and animals other than those prohibited by 9.4.1.28. may be permitted as pets in residential zones subject to the following regulations:

a. the pets are properly chained or kept in cages and are let loose only within fenced enclosures on the lot;

b. the pets are not used or traded for commercial purposes in any way;

c. the pets do not cause any nuisance to neighbouring residents.

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Subdivision 1 - General (Continued)

9.4.1. Garage Siting

28. On any residential lot where no garage or carport has been previously constructed and where the Building Inspector has determined that setback requirements cannot be complied with because of the siting of a dwelling erected prior to December 31, 1974; then the requirements set forth therein may be reduced to permit the construction of not more than one garage or carport provided that:

a. encroachment into both the front yard setback and the side yard setback does not occur;

b. the structure shall not exceed a maximum length of 5.5 metres and a maximum width of 5 metres if the structure encroaches on the front yard setback;

c. the structure shall not exceed a maximum length equal to the width of the dwelling and a maximum width of 3 metres if the structure encroaches on the side yard setback;

d. the structure shall adjoin the dwelling along one wall or part thereof;

e. the front yard setback shall in no case be reduced to less than 1.5 metres from the property line;

f. the side yard setback shall in no case be reduced to less than 1.2 metres from the property line; and

g. the provisions of 9.10.5. are not violated.

9.4.1 Liquor Primary Licence

29. Liquor primary licence shall be permitted in residential zones where specified as an eligible land use.

Subdivision 2 - Garages - Specified Areas

9.4.2. 1. Notwithstanding Part 9, Division 4, Subdivision 3 to Subdivision 14, the regulations in this Subdivision shall apply to garages or carports on specified lots.

Description of Lots

2. - Lot 1, Block 31, Plan 3395 (Heron Street)
- Lot 22C, Block 31, Plan 3498 (Heron Street)
- Lots 10 and 13, Block 13, Plan 3527 (Widgeon Street)
- Lot 10, Block 14, Plan 3527 (Widgeon Street)
- Lots 5A, 5D, and 7A, Block 10, Plan 3416 (Partridge Street)

a. one attached garage or carport not more than 3.6 metres wide may be constructed on each lot provided that:

(1) at least 4.5 metres of front yard and 1.2 metres of side yard shall be left clear and unobstructed;

(2) no part of the garage or carport shall project beyond the front or rear of the terrace dwelling;

(3) where a garage is to be constructed:

(a) a one hour firewall, as defined by the National Building Code shall be constructed between the garage and the dwelling; and

(b) except where the side yard adjoins a street or walkway, the wall which abuts the side yard shall be a one hour firewall as defined by the National Building Code.

Description of Lots

3. - Lots 4, 5, 8, and 9, Block 31, Plan 3395 (Heron Street)
- Lots 13D, 14A, and 14D, Block 27, Plan 3411 (Mallard Street)
- Lots 1, 4, 5, 9, 13, 16, 17, 20, 21, 24, 25, and 28, Block 38, Plan 3412 (Gyrfalcon Avenue)

a. one attached garage or carport not more than 3.6 metres wide may be constructed on each lot provided that:

(1) at least 4.5 metres of front yard and 1.2 metres of side yard shall be left unobstructed;

Subdivision 2 - Garages - Specified Areas (Continued)

9.4.2.

(2) not more than 0.7 metres of the front of the terrace dwelling shall be blocked off or obstructed by the garage or carport;

(3) the front of the garage or carport shall be set not less than 6 metres forward from the front wall of the terrace dwelling;

3. a. (4) where a garage is to be constructed:

(a) a one hour firewall, as defined by the terms of the National Building Code shall be constructed between the garage and the dwelling; and

(b) except where the side yard adjoins a street or walkway, the wall which abuts the side yard shall be a one hour firewall as defined by the National Building Code.

Description of Lots

4.
- Lots 12, 13, 16, 18, and 21, Block 31, Plan 3395 (Heron Street)
- Lot 22A, Block 31, Plan 3498 (Heron Street)
- Lots 13A and 13D, Block 4, Plan 3415 (Osprey Street)
- Lots 1, 3, 4, 6, 7, and 9, Block 13, Plan 3527 (Widgeon Street)
- Lots 3, 6, and 7, Block 14, Plan 3527 (Widgeon Street)
- Lots 8A, 8D, 10A, 10D, and 13A, Block 27, Plan 3411 (Mallard Street)
- Lots 9A, 11A, 11C, and 12A, Block 27, Plan 3501 (Mallard Street)
- Lots 7D, 8A, and 8F, Block 10, Plan 3416 (Partridge Street)
- Lots 31 and 34, Block 38, Plan 3502 (Gyrfalcon Avenue)
- Lots 20, 23, and 24, Block 36, Plan 3412 (Gander Crescent)

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Subdivision 2 - Garages - Specified Areas (Continued)

9.4.2. 4. a. one attached garage or carport not more than 3.6 metres wide may be constructed on each lot provided that:

(1) front yards of at least 4.5 metres and side yards of at least 1.2 metres shall be left unobstructed;

(2) not more than 0.7 metres of the front of the terrace dwelling shall be blocked off or obscured by the garage or carport;

(3) the rear wall of the garage or carport shall not project beyond the rear wall of the dwelling;

(4) where a garage is to be constructed:

(a) a one hour firewall, as defined by the terms of the National Building Code shall be constructed between the garage and the dwelling; and

(b) except where the side yard adjoins a street or walkway, the wall which abuts the side yard shall be a one hour firewall, as defined by the National Building Code.

5. One attached garage or carport not more than 3.6 metres wide and not more than 6.7 metres long may be constructed on Lot 17A and 17C, Block 31, Plan 3498 (Heron Street) provided that a front yard of not less than 1.5 metres and a side yard of not less than 1.2 metres shall be left unobstructed.

Description of Lots

6. - Lots 2, 3, 6, 7, 10, 11, 14, 15, 19, and 20, Block 31, Plan 3395 (Heron Street)
- Lots 13B and 13C, Block 4, Plan 3415 (Osprey Street)
- Lots 8B, 8C, 10B, 10C, 13B, 13C, 14B, and 14C, Block 27, Plan 3411 (Mallard Street)
- Lots 21, 22, 25, and 26, Block 36, Plan 3412 (Gander Crescent)
- Lots 2, 3, 14, 15, 19, 22, 23, 26, and 27, Block 38, Plan 3412 (Gyrfalcon Avenue)

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Subdivision 2 - Garages - Specified Areas (Continued)

9.4.2. 6. a. one garage or carport not more than 3.6 metres wide and not more than 6.7 metres long may be constructed on each lot provided that:

(1) the front of the garage or carport shall be exactly 2.4 metres from the front property line;

(2) one wall of the garage shall be contiguous with that boundary of the lot which passes between the two interior units of the terrace dwelling.

7. No garage may be constructed on Lots 8B, 8C, 8D, and 8E, Block 10, Plan 3416 (Partridge Street). One attached carport, not more than 3.6 metres wide may be constructed provided that:

a. a front yard of at least 4.5 metres is left unobstructed;

b. one side of the carport on Lot 8B and one side of the carport on Lot 8C shall be contiguous with the property line between Lots 8B and 8C;

c. one side of the carport on Lot 8D and one side of the carport on Lot 8E shall be contiguous with the property line between Lots 8D and 8E.

Description of Lots

8. - Lots 34 and 35, Block 238 (Lillooet Crescent)
- Lots 3, 4, 9, and 10, Block 240 (Liard Street)
- Lots 5, 6, 7, 8, 9, 10, 11, and 12, Block 242 (Ochwe Street)
- Lots 13 and 14, Block 243 (Okanagan Street)
- Lots 12, 13, 14, 15, 18 and 19, Block 245 (Omenica Street)

a. not more than one garage or carport may be constructed provided that:

(1) a front yard of at least 4.5 metres is left clear and unobstructed;

(2) the garage or carport is built up to the side lot line;

Subdivision 2 - Garages - Specified Areas (Continued)

9.4.2. 8. a. (3) owner of the adjoining lot has no objection to such location and agrees, in writing, to construct any future vehicle shelter as either a contiguous garage or carport of similar design;

(4) written undertaking required in 9.4.2.8.a.(3) is submitted with Building Permit application; and

(5) necessary fire separation is provided.

Description of Lots

9. - Lots 2 and 29, Block 237 (Lillooet Crescent)
- Lots 2, 14, and 36, Block 238 (Nass Street)
- Lots 2 and 5, Block 239 (Liard Street)
- Lots 2, 5, 8, and 11, Block 240 (Liard Street)
- Lots 2, 8, and 11, Block 241 (Nadina Street)
- Lots 2 and 13, Block 242 (Ochwe Street)
- Lots 2 and 24, Block 243 (Okanagan Street)
- Lot 2, Block 244 (Okanagan Street)
- Lots 2, 9, and 17, Block 245 (Omenica Street)
- Lots 2, 9, and 12, Block 246 (Omenica Street)

a. not more than one garage or carport may be constructed provided that:

(1) a front yard of at least 4.5 metres is left clear and unobstructed;

(2) the garage or carport is built up to the side lot line;

(3) the owner of the adjoining lot has no objection to such location of the garage or carport;

(4) written endorsement of the adjoining owner shall be submitted with Building Permit application ; and

(5) necessary fire separation is provided.

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Subdivision 3 - R1-A One Family Residential Zone

9.4.3. Permitted Uses

1. a. Single Family Residence

Permitted Accessory Use

b. Day Care (Child)

c. Day Care (Adult)

d. Home Business Address

e. Bed and Breakfast (B&B)

f. Temporary Uses: in accordance with Part 9, Division 8.

Conditions of Use

2. Permitted buildings and structures per lot:

a. one detached dwelling having no more than one dwelling unit;

b. accessory buildings and structures.

3. Lot Area (Minimum): 555 m².

4. Lot Frontage (Minimum): 17 metres.

5. Lot Coverage (Maximum): 25% plus 45 m² for accessory buildings and a garage or carport.

6. Floor Area Ratio (Maximum): 0.50.

7. Height of Buildings (Maximum): 9 metres.

8. The ratio between the longest and shortest dimensions of the dwelling shall not exceed 3 to 1 and the least dimension of a dwelling shall not be less than 4.8 metres.

9. Front Yard (Minimum): 4.5 metres.

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Subdivision 3 - R1-A One Family Residential Zone (Continued)

9.4.3. 10. Side Yard (Minimum): 1.8 metres.

11. Rear Yard (Minimum): 7.5 metres.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking

12. Two parking spaces per lot, one of which must have unrestricted access to a highway.

13. Each parking space shall be 3.5 metres in width and 6.5 metres in length and one of the required parking spaces shall be within the permissible building area for the purpose of building a garage or carport.

Access (Maximum)

14. Each access shall be paved if the abutting street is paved.

15. One access not exceeding 7.5 metres in width is permitted per lot. Lots greater than 1,115 m² in area with a frontage of 30 metres or more are permitted a second access no wider than 4.8 metres.

Accessory Buildings in Required Yards: See 9.4.1.7. to 9.4.1.13.

Signs: See Part 9, Division 3.

Subdivision 4 - R1-B One Family Residential Zone

9.4.4. Permitted Uses

1. a. Single Family Residence

Permitted Accessory Use

b. Day Care (Child)
c. Day Care (Adult)
d. Home Occupations
e. The keeping of not more than two (2) lodgers in each dwelling unit
f. Home Business Address
g. Bed and Breakfast (B&B)

Subdivision 4 - R1-B One Family Residential Zone (Continued)

9.4.4. Conditions of Use

2. Permitted buildings and structures per lot:

a. one detached or semi-detached dwelling having no more than one dwelling unit;

b. accessory buildings and structures.

3. Lot Area (Minimum): 510 m².

4. Lot Frontage (Minimum): 15 metres.

5. Lot Coverage (Maximum):
25% plus 45 m² for accessory buildings and a garage or carport.

6. Floor Area Ratio (Maximum): 0.50.

7. Height of Buildings (Maximum): 9 metres.

8. The ratio between the longest and shortest dimensions of the dwelling shall not exceed 3 to 1 and the least dimension of a dwelling shall not be less than 4.8 metres.

9. Front Yard (Minimum): 4.5 metres.

10. Side Yard (Minimum): 1.8 metres.

11. Rear Yard (Minimum): 7.5 metres.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking

12. Two parking spaces per lot, one of which must have unrestricted access to a highway.

Subdivision 4 - R1-B One Family Residential Zone (Continued)

9.4.4. 13. Each parking space shall be 3.5 metres in width and 6.5 metres in length and one of the required parking spaces shall be within the permissible building area for the purpose of building a garage or carport.

Access (Maximum)

14. Each access shall be paved if the abutting street is paved.

15. One access not exceeding 7.5 metres in width is permitted per lot. Lots greater than 1,115 m² in area with a frontage of 30 metres or more are permitted a second access no wider than 4.8 metres.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13.

Signs: See Part 9, Division 3.

Subdivision 5 - R1-C One Family Residential Zone

9.4.5. Permitted Uses

1. a. Single Family Residence

Permitted Accessory Use

b. Day Care (Child)
c. Day Care (Adult)
d. Home Occupation
e. The keeping of not more than two lodgers in each dwelling unit
f. Home Business Address
g. Bed and Breakfast (B&B)

Conditions of Use

2. Permitted buildings and structures per lot:

a. one semi-detached or one terrace dwelling having no more than one dwelling unit;

b. accessory buildings and structures.

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Subdivision 5 - R1-C One Family Residential Zone

9.4.5. 3. Lot Area (Minimum):

a. 510 m² for a semi-detached dwelling;

b. 275 m² for an inner unit of a terrace dwelling;

c. 510 m² for an end unit of a terrace dwelling.

4. Lot Frontage (Minimum):

a. 15 metres for a semi-detached dwelling;

b. 9 metres for an inner unit of a terrace dwelling;

c. 15 metres for an end unit of a terrace dwelling.

5. Lot Coverage (Maximum):
25% plus a maximum of an additional 45 m² for accessory buildings and a garage or carport.

6. Floor Area Ratio (Maximum): 0.50.

7. Height of Buildings (Maximum): 9 metres.

8. Building Dimensions: The ratio between the longest and shortest dimensions of the dwelling shall not exceed 3 to 1 and the least dimension of a dwelling shall not be less than 4.8 metres.

9. Front Yard (Minimum): 4.5 metres.

10. Side Yard (Minimum):

a. 1.8 metres for a semi-detached dwelling;

b. 5.5 metres for an end unit of a terrace dwelling;

c. 1.8 metres for a single storied garage or carport.

11. Rear Yard (Minimum): 7.5 metres.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Subdivision 5 - R1-C One Family Residential Zone (Continued)

9.4.5. Off-Street Parking (Minimum)

12. Two parking spaces per lot, one of which must have unrestricted access to a highway.

13. Each parking space shall be 3.5 metres in width and 6.5 metres in length and one of the required parking spaces shall be within the permissible building area for the purpose of building a garage or carport.

Access

14. Each access shall be paved if the abutting street is paved.

15. One access not exceeding 7.5 metres in width is permitted per lot. Lots greater than 1,115 m² in area with a frontage of 30 metres or more are permitted a second access no wider than 4.8 metres.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13.

Signs: See Part 9, Division 3.

Exemptions

16. Notwithstanding 9.4.5. those residential structures in a R1-C Zone that contained two-family units on December 31, 1973, shall be exempt from the following requirements contained in this Subdivision:

a. maximum site coverage;

b. minimum site area;

c. minimum frontage requirements;

d. one semi-detached or terrace dwelling having no more than one dwelling unit;

e. minimum off-street parking.

Subdivision 6 - R2-A Two-Family Residential

9.4.6. Permitted Uses

1. a. Single Family Residence

b. Two Family Residence

Accessory Use

c. Day Care (Child)

d. Day Care (Adult)

e. The keeping of not more than two lodgers in each dwelling unit

f. Home Business Address

g. Home Occupation

h. Bed and Breakfast (B&B)

i. Accessory Dwelling Unit (Detached) at:

i. Lots 1 to 25, District Lot 6025, Range 5 Coast District, Plan EPP125446 (5, 6, 9, 13, 17, 18, 19, 23, 27, 28, 31, 34, 35, 40, 41, 44, 47, 49, 51, 53, 54, 55, 59, 65, and 66 Mulberry Street)

Conditions of Use

2. Permitted buildings and structures per lot:

a. one detached dwelling having no more than two dwelling units;

b. accessory buildings and structures.

c. Notwithstanding 9.4.6.2.a., one Detached Dwelling having no more than one Dwelling Unit and one Accessory Dwelling Unit (Detached) are permitted on a Lot (maximum two Dwelling Units on a Lot) at:
   i. Lots 1 to 25, District Lot 6025, Range 5 Coast District, Plan EPP125446 (5, 6, 9, 13, 17, 18, 19, 23, 27, 28, 31, 34, 35, 40, 41, 44, 47, 49, 51, 53, 54, 55, 59, 65, and 66 Mulberry Street)

3. Lot Area (Minimum): 650 m².

4. Lot Frontage (Minimum):

   a. 20 metres
   b. Notwithstanding 9.4.6.4.a, the minimum Lot Frontage is 15 metres at:
      i. Lots 11-14 and 20-23, District Lot 6025, Range 5 Coast District, Plan EPP125446 (13, 17, 19, 23, 49, 51, 53 and 55 Mulberry Street)

5. Lot Coverage (Maximum):
   25% plus 45 m² for accessory buildings and a garage or carport.

6. Floor Area Ratio (Maximum): 0.50.

7. Height of Buildings (Maximum): 9 metres.

Subdivision 6 - R2-A Two-Family Residential (Continued)

9.4.6.

8. Building Dimensions: The ratio between the longest and shortest dimensions of the dwelling shall not exceed 3 to 1 and the least dimension of a dwelling shall not be less than 4.8 metres.

9. Front Yard (Minimum): 4.5 metres.

10. Side Yard (Minimum): 1.8 metres.

11. Rear Yard (Minimum): 7.5 metres.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking

12. Minimum three spaces per lot, two of which must have unrestricted access to the highway.

13. Each parking space shall be 3.5 metres in width and 6.5 metres in length and at least one parking space shall be within the permissible building area for the purpose of constructing a garage or carport.

Access

14. Each access shall be paved if the abutting street is paved.

15. One access not exceeding 7.5 metres in width is permitted per lot. Lots greater than 1,115 m² in area with a frontage of 30 metres or more are permitted a second access no wider than 4.8 metres.

Distances Between Buildings (Minimum)

16. Detached Dwelling and Accessory Dwelling Unit (Detached):
    a. 3.7 metres

Accessory Buildings in Required Yards: See 9.4.1.7. to 9.4.1.13.

Signs: See Part 9, Division 3.

Subdivision 7 - R2-B Two-Family Residential

9.4.7. Permitted Uses

1. a. Single Family Residence

b. Two Family Residence

Accessory Use

c. Day Care (Child)

d. Day Care (Adult)

e. Home Occupation

f. Home Business Address

g. Bed and Breakfast (B&B)

Conditions of Use

2. Permitted buildings and structures per lot:

a. one semi-detached dwelling having no more than two dwelling units;

b. accessory buildings and structures.

3. Lot Area (Minimum): 600 m².

4. Lot Frontage (Minimum): 18 metres.

5. Lot Coverage (Maximum): 25% plus a maximum of an additional 45 m² for accessory buildings and a garage or carport.

6. Floor Area Ratio (Maximum): 0.50.

7. Height of Building (Maximum): 9 metres.

8. Building Dimensions: The ratio between the longest and shortest dimensions of the dwelling shall not exceed 3 to 1 and the least dimension of a dwelling shall not be less than 4.8 metres.

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Subdivision 7 - R2-B Two-Family Residential (Continued)

9.4.7. 9. Front Yard (Minimum): 4.5 metres.

10. Side Yard (Minimum): 1.8 metres.

11. Rear Yard (Minimum): 7.5 metres.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking

12. Minimum three spaces per lot, two of which must have unrestricted access to the highway.

13. Each parking space shall be 3.5 metres in width and 6.5 metres in length and at least one parking space shall be within the permissible building area for the purpose of constructing a garage or carport.

Access

14. Access shall be paved if the abutting street is paved.

15. Single access not exceeding 7.5 metres in width is permitted per lot.

Accessory Buildings in Required Yards: See 9.4.1.7. to 9.4.1.13.

Signs: See Part 9, Division 3.

Subdivision 8 - R3-A Multi-Family Residential

9.4.8. Permitted Uses

1. a. Multi-Family Development

Permitted Accessory Use

b. Day Care (Child)

c. Day Care (Adult)

d. Home Occupation

e. Home Business Address



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9.4.8. Conditions of Use

2. Permitted buildings and structures per lot:

a. apartment buildings;

b. terrace dwellings;

c. Planned Development, consisting of any combination of detached, duplex, triplex or terrace dwellings or apartment buildings;

d. accessory buildings and structures.

3. Lot Areas (Minimum):

a. 375 m² per dwelling unit;

b. Notwithstanding 9.4.8.3(a), apartment buildings shall have a minimum lot are of 185 m² per dwelling unit, subject to a minimum of 930 m²;

c. Notwithstanding 9.4.8.3.(a), terrace dwelling buildings shall have a minimum lot area of 220 m² per dwelling unit, subject to a minimum of 1000 m².

4. Lot Frontage (Minimum):

a. 6 metres per dwelling unit subject to a minimum of 30 metres;

b. Notwithstanding 9.4.8.4.(a), apartment building and terrace dwelling buildings shall have a minimum of 4.2 metres per dwelling unit subject to a minimum of 30 metres.

5. Lot Coverage (Maximum):

a. 25%;

b. Notwithstanding 9.4.8.5.(a), apartment building and terrace dwelling buildings shall have a maximum lot coverage of 28%.

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Subdivision 8 - R3-A Multi-Family Residential Continued

9.4.8. Conditions of Use

6. Floor Area Ratio (Maximum):

a. 0.5;

b. Notwithstanding 9.4.8.6.(a), apartment buildings shall have a maximum floor Area Ratio of 0.75.

7. Height of Building (Maximum): 11 metres.

8. Front Yard (Minimum): 4.5 metres

9. Side Yard (Minimum): 5.0 metres

10. Rear Yard (Minimum): 7.5 metres

Subdivision 8 - R3-A Multi-Family Residential (Continued)

9.4.8. 11. Distances Between Buildings (Minimum):
a. apartment buildings - 9.0 metres.
b. terrace dwellings with five or more units - 9.0 metres;
c. terrace dwellings with three or four units - 3.0 metres;
d. detached dwellings and duplexes - 2.0 metres.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking

12. Two parking spaces are required per dwelling unit, both of which must have unrestricted access to a highway. In addition, one parking space with unrestricted access to a highway is required for every five dwelling units or part thereof.

13. Each required off-street parking space shall be 28 m² or more.

Access (Maximum)

14. Each access shall be paved if the abutting street is paved.

15. One access of a width not exceeding 7.5 metres per lot where the lot has a frontage of less than 30 metres.

16. Where a lot has a frontage of 30 metres or more, one additional access not exceeding 3.7 metres in width for every 15 metres of frontage in excess of 30 metres shall be allowed.

17. Points of access allowable under 9.4.8.16. may be combined with one another, provided that no access resulting from such combination shall exceed 9 metres in width.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13.

Signs: See Part 9, Division 3.

18. Notwithstanding Subdivision 8 regulations, the following requirements will apply to Lots 23 and 26, Registered Plan 10034 (Smith Street).

Lot 23 zoned R3-A - maximum development - 10 dwelling units.

Lot 26 - maximum development - 15 dwelling units.

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Subdivision 9 - R3-A1 Special Residential Multi-Family Zone

9.4.9. Permitted Uses

1. a. Multi-Family Residence

Permitted Accessory Use

b. Day Care (Child)

c. Day Care (Adult)

d. Home Occupation

e. Home Business Address

Conditions of Use

2. Permitted buildings and structures per lot:

a. terrace dwellings;

b. accessory buildings and structures.

3. Maximum Development: 40 terrace dwelling units.

4. Lot Coverage (Maximum): 25%.

5. Floor Area Ratio (Maximum): 0.5.

6. Height of Building (Maximum): 9 metres.

7. Front Yard (Minimum): 4.5 metres.

8. Side Yard (Minimum):

a. end units of Terrace - 5.5 metres;

b. single storey garage - 1.8 metres.

9. Rear Yard (Minimum): 7.5 metres.

10. Distance Between Buildings (Minimum): 9 metres.

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Subdivision 9 - R3-A1 Special Residential Multi-Family Zone (Continued)

9.4.9. Off-Street Parking

11. Two parking spaces are required per dwelling unit, both of which must have unrestricted access to a highway. In addition, one parking space with unrestricted access to a highway is required for every five dwelling units or part thereof.

12. Each required off-street parking space shall be 28 $m^2$ or more.

Access

13. Each access shall be paved if the abutting street is paved.

14. a. One access up to 7.5 metres wide where lot frontage is less than 30 metres;

b. plus, one access up to 3.7 metres wide for every 15 metres of frontage in excess of 30 metres.

15. Points of access allowable under 9.4.9.14. may be combined, but no access shall be more than 9 metres wide.

Accessory Buildings in Required Yards: See 9.4.1.7. to 9.4.1.13.

Signs: See Part 9, Division 3.

Subdivision 10 - R3-B Multi-Family and Interim Residential Dormitory Zone

9.4.10 Permitted Uses

1. a. Multi-Family Residence

b. Permitted Accessory Uses to a Multi-Family Residence Use:

i. Day Care (Child)
II. Day Care (Adult)
iii. Home Occupation
iv. Home Business Address

Subdivision 10 - R3-B Multi-Family and Interim Residential Dormitory Zone (Continued)

9.4.10. 2. a. Residential Dormitory until August 31, 2035

b. Permitted Accessory Uses to a Residential Dormitory, also until August 31, 2035:

i. Coffee shop;
ii. Restaurant or dining lounge;
iii. Neighbourhood pub;
iv. Personal service shops;
v. Recreational facilities;
vi. Emergency medical clinic;
vii. Industrial laundry;
viii. Transportation shuttle service and associated amenities, such as bus/airport shuttle terminal facility

Eligible Land Use for Liquor Primary Licence

3. a. Permitted Use: Residential Dormitory until August 31, 2035
b. Accessory Use to Residential Dormitory:
i. Coffee Shop
ii. Industrial Laundry
iii. Neighbourhood Pub
iv. Personal Service Shop
v. Recreational Facility
vi. Restaurant or Dining Lounge

4. The provisions under subsections 9.4.10.3 to 9.4.10.19 inclusive apply exclusively to the Multi-Family Residence use permitted in this Zone, and its permitted accessory uses;

Conditions of Multi-Family Residence Use

5. Permitted buildings and structures per lot:
a. Apartment buildings;
b. Terrace dwellings;
c. Accessory buildings and structures

6. Lot Area (Minimum):
a. Apartment; 185 $m^2$ per dwelling unit subject to a minimum of 930 $m^2$;
b. Terrace dwelling unit; 375 $m^2$ per dwelling unit

7. Lot Frontage (Minimum): 6 metres per dwelling unit subject to a minimum of 30 metres.
8. Lot Coverage (Maximum): 25%

Subdivision 10 - R3-B Multi-Family and Interim Residential Dormitory Zone (Continued)

9.4.10. 9. Floor Area Ratio (Maximum):
a. Apartment 0.75;
b. Terrace 0.5

10. Height of Building (Maximum): 9 metres

11. Front Yard (Minimum): 4.5 metres

Subdivision 10 - R3-B Multi-Family and Interim Residential Dormitory Zone (Continued)

9.4.10. 11. Side Yard (Minimum):
a. Apartment: 7.5 metres
b. End units of terrace: 5.5 metres
c. Single storey garage: 1.8 metres

12. Rear Yard (Minimum): 7.5 metres

13. Distances Between Buildings (Minimum): 9 metres

Building Setbacks on a Corner Lot: Refer to 9.4.1.6

Off-Street Parking

14. Two parking spaces are required per dwelling unit, both of which must have unrestricted access to a highway. In addition, one parking space with unrestricted access to a highway is required for every five dwelling units or part thereof.

15. Each required off-street parking space shall be 28 $m^2$ or more.

Access (Maximum)

16. Each access shall be paved if the abutting street is paved.

17. One access of a width not exceeding 7.5 metres per lot where the lot has a frontage of less than 30 metres.

18. Where a lot has a frontage of 30 metres or more, one additional access not exceeding 3.7 metres in width for every 15 metres of frontage in excess of 30 metres shall be allowed.

19. Points of access allowable under 9.4.10.18 may be combined with one another, provided that no access resulting from such combination shall exceed 9 metres in width.

Accessory Buildings in Required Yards: See 9.4.1.7. to 9.4.1.11

Signs: See Part 9, Division 3

Residential Dormitory, until August 31, 2035

20. The provisions under subsections 9.4.10.20 to 9.4.10.35 inclusive apply exclusively to the Residential Dormitory use, and its permitted accessory uses, which are temporal in nature and only permitted until August 31, 2035:

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Subdivision 10 - R3-B Multi-Family and Interim Residential Dormitory Zone (Continued)

9.4.10. Conditions of Residential Dormitory Use:

21. No single dormitory building wing may contain more than 174 sleeping accommodation units.

22. Lot Area (Minimum): 12 ha.

23. Lot Frontage (Minimum): 500 metres

24. Lot Coverage (Maximum): 50%

25. Density Bonusing for Amenities

| | Base | Bonus A | Bonus B | Bonus C |
|---|---|---|---|---|
| a. Sleeping Accommodation Units (Maximum) | 360 | 240 (to 600) | 480 (to 1080) | 1024 (to 2154) |
| b. Floor Area Ratio (Maximum) | | | | |

The regulations under the "Base" column are generally applicable for the Residential Dormitory use in this zone as-of-right. On the provision of all of the following amenities and satisfaction of the following conditions, all at no cost to the District, the Number of Units, Lot Coverage and Floor Area Ratio regulations are, respectively, increased up to "Bonus" levels noted in the corresponding column above:

i. Bonus A Amenities

(1) A Housing Agreement in accordance with section 483 of the Local Government Act requiring all sleeping accommodation units on the lands be single-occupancy, rental only and a minimum of 80% only available to construction workers and other employees of businesses located within an Industrial Zone of this Code; and

(2) The provision of cash or in-kind contribution of $500 per sleeping accommodation unit paid incrementally as beds become operational to a District of Kitimat Housing fund for purposes of providing affordable housing in Kitimat.

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Subdivision 10 - R3-B Multi-Family and Interim Residential Dormitory Zone (Continued)

9.4.10. ii. Bonus B Amenities:

(1) All Bonus A Amenities, plus:

(2) Pedestrian access trails, including for those with mobility challenges, through the subject lands, including Statutory right-of-way for public access in the District's customary form.

iii. Bonus C Amenities:

(1) All bonus A Amenities and Bonus B Amenities, plus

(2) A Good Neighbour Agreement through which PTI can enhance operational integrity with the community by providing meeting space to facilitate communication between PTI, area residents, District of Kitimat, Chamber of Commerce, RCMP, Northern Health and other interested groups, at no cost to the municipality.

iv. For the purposes of the density-bonusing provisions of this bylaw, "Affordable Housing" means the construction, establishment, use and occupation of non-market rental residential dwelling units, where the units are either subsidized by a government authority or a minimum of 30% below fair market rent for a comparable unit of same number of bedrooms such that the rental costs, including utilities, do not exceed, or such other provisions as secured through a Housing Agreement in accordance with section 483 of the Local Government Act.

26. Height of Building (Maximum): 12.5 metres

27. Front Yard (Minimum):

a. Building with reception/lobby: 75 metres;

b. all other buildings: 4.5 metres

Subdivision 10 - R3-B Multi-Family and Interim Residential Dormitory Zone (Continued)

9.4.10. 28. Side Yard (Minimum):

a. Dormitory building(s): 4.5 metres

b. Building with exclusively accessory uses: 3 metres

c. Single storey garage: 1.8 metres

29. Read Yard (Minimum): 7.5 metres

30. Distances Between Buildings (Minimum): 9 metres

Building Setbacks on a Corner Lot: Refer to 9.4.1.6

Off-Street Parking

31. Two parking spaces are required for every ten sleeping accommodation units or part thereof; adjustable as detailed below:

a. Parking requirement may be reduced by one space for each bike parking space provided, to a maximum reduction of fifty parking spaces; and

b. On-site bus parking may be provided at ratio of 1 bus per every 85 beds or portion thereof, and total parking requirement reduced by four spaces for each bus space.

32. Each required off-street parking space shall be 28 $m^2$ or more.

33. Notwithstanding 9.4.1.17, up to three commercial vehicles may be parked on the lands for purposes of an accessory shuttle service if stored behind a building or landscape screen to minimize visibility from the abutting street(s) or abutting residential or commercial zoned land.

Access (Maximum)

34. Each access shall be paved if the abutting street is paved.

35. Up to two accesses of a width not exceeding 9 metres per lot shall be allowed.

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Subdivision 10 - R3-B Multi-Family and Interim Residential Dormitory Zone (Continued)

9.4.10. Accessory Buildings in Required Yards

36. See 9.4.1.7 to 9.4.1.11, except that 9.4.1.8 shall not apply for the Residential Dormitory use.

Signs: See Part 9, Division 3

Subdivision 11 – R3-C Social Housing Development Zone

9.4.11. Permitted and Accessory Uses

1. Permitted Principal Uses:

   a. Social Housing
   b. Senior Citizens Housing

2. The following accessory uses are permitted:

   a. Home Business Address

3. The following secondary uses are permitted when combined with principal uses:

   a. Day Care (Child)
   b. Day Care (Adult)
   c. Education
   d. Office
   e. Personal Service Shop
   f. Public Assembly
   g. Restaurant
   h. Retail Trade

4. Residential use is permitted on the ground floor; secondary uses must be below or abut residential unit(s)

5. The following accessory uses are permitted with established principal or secondary uses:

   a. Buildings and structures necessary to accommodate the requirements of the use

Conditions of Use – Residential

6. Lot Area (Minimum): 185 sq m per dwelling unit, subject to a minimum of 1,110 sq m

7. Lot Coverage (Maximum): 25%

8. Floor Area Ratio (Maximum): 0.5

9. Maximum Development: 55 units

10. Distances Between Buildings (Minimum): 5.0 metres

Conditions of Secondary Use

11. Floor Area Ratio (Maximum): 0.3

12. Area for Retail Trade (Maximum): 750 sq m per distinct unit

Conditions for All Uses in Zone (building envelope):

13. Height of Buildings (Maximum): 15 metres

14. Front Yard (Minimum): 4.5 metres

15. Side Yard (Minimum): 5.0 metres

16. Rear Yard (Minimum): 7.5 metres

17. Lot Frontage (Minimum): 40 metres

18. Lot Area: 0.75 ha

19. Yard adjacent or abutting zones where principal use is residential must include a landscape screen no less than 2.0m wide and 1.5m high.

Off-Street Parking

20. Residential:

a. One parking stall required per two dwelling units

b. One visitor parking stall for every five units

c. Covered bike storage must be provided with a minimum of five bike stalls per 15 dwelling units

21. Secondary Uses:

d. For restaurants - one space for every 4.5 sq m of GLA

e. For public assembly – one space for every 4.5 sq m of area

f. For retail, personal service shops, offices and all other secondary uses - 1.5 sq m parking area for every sq m of GLA

g. See also 9.5.1.6 to 9.5.1.9.

22. Parking Prohibition see: 9.4.1.21 to 9.4.1.26

23. Off-Street Loading and Unloading: See 9.5.1.11 and 9.5.1.12

Access:

24. Each access shall be paved if the abutting street is paved.

25. One access with a width not exceeding 7.5m per lot where the lot has a frontage of 40m or less.

26. Where a lot has a frontage of 40m or more, one additional access not exceeding 7.5m is permitted.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.14

Signs: See Part 9, Division 3

Subdivision 12 - R3-D Multi-Family Residential

9.4.12. Permitted Use

1. a. Multi-Family Development

Permitted Accessory Use

b. Day Care (Child)

c. Day care (Adult)

d. Home Occupation

e. Home Business Address

Conditions of Use

2. Permitted buildings and structures per lot:

a. Apartment buildings;

b. Terrace dwellings;

c. Accessory buildings and structures.

3. Lot Area (Minimum):

a. Apartment buildings shall have a minimum lot area of 155 sq m per dwelling unit, subject to a minimum of 930 sq m.

b. Terrace dwelling buildings shall have a minimum lot area of 200 sq m per dwelling unit, subject to a minimum of 1000 sq m.

4. Lot Frontage (Minimum): 2.6 metres per dwelling unit subject to a minimum of 30 metres.

5. Lot coverage (Maximum): 28%

6. Floor Area Ration (Maximum):

a. Terrace dwelling buildings shall have a maximum floor area ratio of 0.7.

b. Apartment dwellings shall have a maximum floor area ratio of 0.82.

Subdivision 12 - R3-D Multi-Family Residential (Continued)

9.4. 12

7. Height of Building (Maximum):

   a. 12.0 metres

   b. Notwithstanding 9.4.11.7(a), within 20 metres of an abutting property zoned R1-A, R1-B, R1-C, R2-A, or R2-B the maximum height shall be 9.0 metres.

8. Front Yard (Minimum): 4.5 metres

9. Side Yard (Minimum): 5.0 metres

10. Rear Yard (Minimum): 7.5 metres

11. Distances between buildings (Minimum):

   a. apartment buildings - 9.0 metres;

   b. terrace dwellings with five or more units - 9.0 m;

   c. terrace dwellings with three or four units - 3.0 m.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking

12. Two parking spaces are required per dwelling unit, both of which must have unrestricted access to a highway. In addition, one parking space with unrestricted access to a highway is required for ever five dwelling units or part thereof.

13. Each required off-street parking space shall be 28 $m^2$ or more.

Access (Maximum)

14. Each access shall be paved.

15. One access not exceeding 7.5 m wide where the lot has a frontage of less than 30 metres.

16. Where a lot has a frontage of 30 m or more, one access of 7.5 m plus an access not exceeding 3.7 m for every 15 m of frontage in excess of 30 m.

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Subdivision 12 - R3-D Multi-Family Residential (Continued)

9.4.12. 17. Points of access allowable under 9.4.11.16. may be combined provided that no access shall exceed 9 m.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13.

Signs: See Part 9, Division 3

Subdivision 13 - R4-A Multi-Family Residential

9.4.13. Permitted Uses

1. a. Multi-Family Residence

b. Day Care (Adult)

c. Boarding House

d. Rooming House

e. Home Occupation

f. Home Business Address

Conditions of Use

2. Permitted buildings and structures per lot:

a. boarding houses;

b. rooming houses;

c. dormitory buildings;

d. accessory buildings and structures.

3. Lot Area (Minimum):
90 $m^2$ per occupant subject to a minimum of 930 $m^2$.

4. Lot Coverage (Maximum): 25%.

5. Floor Area Ratio (Maximum): 0.75.

6. Height of Building (Maximum): 9 metres.

7. Front Yard (Minimum): 4.5 metres.

Subdivision 13 - R4-A Multi-Family Residential (Continued)

9.4.13. 8. Side Yard (Minimum): 5.5 metres.

9. Rear Yard (Minimum): 7.5 metres.

Building Setbacks on Corner Lot: Refer to 9.4.1.6.

Off-Street Parking

10. One off-street parking space is required per sleeping room plus one parking space for every three sleeping rooms or part thereof. Each parking space must have unrestricted highway access.

11. Each required parking space shall be of a minimum area 28 $m^2$.

Access

12. Each access shall be paved if the abutting street is paved.

13. a. No more than one access up to 7.5 metres wide per lot where the lot has a frontage of less than 30 metres;

b. lots which have a frontage of 30 metres or more shall be allowed one additional access not exceeding 3.7 metres in width for every 15 metres of frontage in excess of 30 metres.

14. Points of access allowable under 9.4.11.14. may be combined, provided that no access resulting from such combination shall exceed 9 metres in width.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13.

Signs: See Part 9, Division 3.

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Subdivision 14 - R4-B Bed & Breakfast Inn Residential Zone

9.4.14. Permitted Uses

1. a. Bed and Breakfast Inn

Accessory Uses

2. Dwelling unit for owner/operator

Conditions of Use

3. Permitted buildings and structures per lot

a. Bed and Breakfast Inn

b. Accessory buildings and structures

4. Lot area of .2 ha.

5. Lot coverage maximum 25%

6. Floor area ratio maximum 0.75

Building Setbacks

7. All properties shall have a front yard of 9m or more.

8. All properties shall have a side yard(s) of 5.5m or more.

9. Side yards bounded by a street shall be 9m or more.

10. All properties shall have a rear yard of 9m or more.

11. Yards adjacent or abutting a residential zone or park include a landscape screen no less than 2m wide and 1.5m high.

Off-Street Parking

12. Two parking stalls plus one parking stall for each guest room and one stall for each employee who does not reside on-site

13. Parking areas adjacent or abutting a residential zone or park shall include a landscape screen along the residential or park property line no less than 2m wide and 1.5m high.

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Subdivision 14 - R4-B Bed & Breakfast Inn Residential Zone (Continued)

9.4.14. Access

14. Each access shall be paved if the abutting street is paved.

15. a. One access up to 7.5m wide per lot; except

b. One or two accesses each no more than 7.5m wide, where lot frontage is 75m or more.

16. Points of access allowable under 9.4.12.14 may be combined provided no access exceeds 9m wide.

Accessory Buildings in Required Yards: See 9.4.1.7. to 9.4.1.13.

Signs: See Part 9, Division 3 (single unilluminated fascia or freestanding sign up to .6m$^2$, maximum 2m high if freestanding)

Subdivision 15 - R5-A Special Residential Zone

9.4.15. Permitted Uses

1. a. Multi-Family Residence
b. Home Business Address
c. Welfare Home
d. Rest Home
e. Senior Citizens Housing
f. Day Care (Adult)
g. Temporary Uses in accordance with Part 9, Division 8

Conditions of Use

2. Permitted buildings and structures per lot:

a. Welfare Homes;
b. Rest Homes;
c. Senior Citizens Housing;
d. Accessory buildings and structures.

3. Lot Area (Minimum): 600 m$^2$.

4. Lot Frontage (Minimum): 18 metres.

Subdivision 15 - R5-A Special Residential Zone (Continued)

9.4.15. 5. Lot Coverage (Maximum): 25%.

6. Floor Area Ratio (Maximum): 0.5.

7. Height of Building (Maximum): 9 metres.

8. Front Yard (Minimum): 4.5 metres.

9. Side Yard (Minimum): 1.8 metres.

10. Rear Yard (Minimum): 7.5 metres.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking (Minimum)

11. One parking space with unrestricted access to a highway is required for every three beds in a welfare home or rest home.

12. One space for each dwelling unit occupied exclusively by the elderly.

13. Each parking space shall be 3.5 metres in width and 6.5 metres in length and at least one parking space shall be within the permissible building area for the purpose of constructing a garage or carport.

Access (Maximum)

14. Each access shall be paved if the abutting street is paved.

15. a. One access up to 7.5 metres wide per lot where the lot has a frontage of less than 30 metres;

b. lots which have a frontage of 30 metres or more shall be allowed one additional access not exceeding 3.7 metres in width for every 15 metres of frontage in excess of 30 metres.

16. Points of access allowable under 9.4.12.16. may be combined, provided that no access resulting from such combination shall exceed 9 metres in width.

Accessory Buildings in Required Yards: See 9.4.1.7. to 9.4.1.13.

Signs: See Part 9, Division 3.

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Subdivision 16 - R6-A Special Residential Zone

9.4.16. Permitted Uses

1. a. Single Family Residence

b. Home Business Address

c. Home Occupation

d. The keeping of not more than two lodgers in each dwelling unit

e. Bed and Breakfast (B&B)

Conditions of Use

2. Permitted buildings and structures per lot:

a. one Manufactured home or detached dwelling having no more than one dwelling unit;

b. accessory buildings and structures.

3. Lot Area (Minimum): 460 m².

4. Lot Frontage (Minimum): 14 metres.

5. Lot Coverage (Maximum): 25%.

6. Floor Area Ratio (Maximum): 0.35.

7. Height of Building (Maximum): 9 metres.

8. Front Yard (Minimum): 4.5 metres.

9. Side Yard (Minimum): 1.8 metres.

10. Rear Yard (Minimum): 7.5 metres.

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

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Subdivision 16 - R6-A Special Residential Zone (Continued)

9.4.16. Off-Street Parking (Minimum)

11. Two parking spaces are required for each Manufactured home or detached dwelling, one of which must have unrestricted access to a highway.

12. Each parking space shall be 3.5 metres in width and 6.5 metres in length and at least one parking space shall be within the permissible building area for the purpose of constructing a garage or carport.

Access

13. Each access shall be paved if the abutting street is paved.

14. No more than one access up to 7.5 metres wide per lot.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13

Signs: See Part 9, Division 3.

Subdivision 17 - R6-B Manufactured Home Parks

9.4.17. Permitted Uses

1. a. Manufactured Home Park

b. Home Business Address

c. Home Occupation

d. Bed and Breakfast (B&B)

Conditions of Use

2. Permitted buildings and structures per lot:

a. Manufactured homes and accessory buildings and structures;

b. buildings and structures accessory to the Manufactured home park use;

c. residence for owner or operator.

Subdivision 17 - R6-B Manufactured Home Parks (Continued)

9.4.17. 3. Site Area (Minimum): 1 ha.

4. Density (Maximum): 20 units per ha.

Off-Street Parking (Minimum)

5. One parking space is required for each manufactured home. In addition, one parking space is required for every three manufactured home units or part thereof in a manufactured home park.

6. Each parking space shall be 3.5 metres in width and 6.5 metres in length.

Access (Maximum)

7. Each access shall be paved if abutting street is paved.

8. No manufactured home shall have direct access to a public highway.

9. a. One access not exceeding 7.5 metres wide per lot where the lot has a frontage of less than 30 metres;

b. where a lot has a frontage of 30 metres or more, one additional access not exceeding 3.7 metres wide for every 15 metres of frontage in excess of 30 metres.

10. Points of access allowable under 9.4.14.9. may be combined with one another, provided that no access resulting from such combination shall exceed 9 metres in width.

11. Notwithstanding the regulations of Subdivision 15, the Manufactured Home Park shall conform to the regulations of Division 13, Manufactured Home Park Regulations.

Subdivision 18 – R3-D1 Low Density Multi-Dwelling Residential

9.4.18

1. Permitted Uses

a. Single Detached Dwelling

Permitted Accessory Uses

b. Day Care (Child)
c. Day Care (Adult)
d. Home Business Address
e. Temporary Uses in accordance with Part 9, Division 8

Conditions of Use

2. Permitted Number of Buildings and Structures per Lot:

    a. One Single Detached Dwelling per Lot, to a maximum of four Single Detached Dwellings
    b. Accessory Buildings or Structures

3. Strata Lot Area (minimum): 450 $m^2$

4. Strata Lot Frontage (minimum): 14 m per Single Detached Dwelling

5. Strata Lot Coverage (maximum): 30%, plus 30 $m^2$ for Accessory Buildings, and a Garage or Carport

6. Gross Floor Area (maximum): 150 $m^2$ per Single Detached Dwelling

7. Height of Buildings (maximum):

    a. Two storeys, to a maximum height of 9 metres for Strata Lots in the northwest half of the parent parcel
    b. One storey, to a maximum height of 6 metres for Strata Lots in the southeast half of the parent parcel

8. Front Yard (minimum): 4.5 metres

9. Side Yard (minimum): 1.5 metres

10. Rear Yard (minimum): 4.5 metres

11. Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off Street Parking and Internal Roads

12. Two Parking Spaces per Dwelling Unit, one of which must have unrestricted access to a highway.

13. Each Parking Space shall be 3.5 metres in width and 6.5 metres in length and one of the required Parking Spaces shall be within the Permissible Building Area for the purpose of building a Garage or Carport.

14. For strata and bare land strata developments, 1 visitor Parking Space for every 2 Dwelling Units.

15. The minimum internal road width shall be 6 metres and no parking shall be allowed on such internal access roads.

Access (maximum)

16. Each Access shall be paved if the abutting street is paved.

17. One Access not exceeding 7.5 metres in width is permitted where Lot Frontage is less than 30 metres.

18. Second Access no wider than 3.7 metres is permitted for every 15 metres of Frontage in excess of 30 metres.

Snow Storage

19. An area equal to 25% of the required parking area shall be provided for snow storage per Lot.

20. For strata and bare land strata developments, an area equal to 25% of the required drive aisles shall be provided for snow storage.

21. Snow storage areas shall be located away from public roads and other areas so that motorists and pedestrians sight lines are not impacted.

22. Snow storage areas cannot be located in required parking areas.

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Refuse Storage & Landscaping

23. For strata and bare land strata developments:

a. All refuse and recycling bins shall have a Landscape Screen as to be screened from adjacent Lots and Streets.
b. All Landscape Screens shall be a height equivalent to the height of the refuse or recycling bin.
c. All refuse or recycling bins shall be located entirely within the property boundary lines and not obstruct pedestrian and vehicle traffic.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13

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Subdivision 1 - General

9.5.1. 1. The purpose of designating land as a Commercial Zone is to concentrate public, recreational and commercial facilities in locations where they can serve the residents adequately and efficiently.

2. For the purpose outlined in 9.5.1.1. commercial areas are divided into the following zones:

a. C1 - City Centre Zone;

b. C2 - Neighbourhood Centre Zone;

c. C3 - Neighbourhood Sub-Centre Zone;

d. C4 - Local Store Zone;

e. C5 - Limited Commercial Zone;

f. C6 - Transportation Service Zone;

g. C7 - Service Station Zone;

h. C8 - Special Commercial Zone;

i. C9 - Convenience Commercial Zone;

j. C10 - Agriculture Commercial Zone;

k. C11 - Highway Commercial Zone;

l. C12 - Commercial Transition and Interim Residential Dormitory Zone"

m. C13 - HTC Mixed Use Commercial/Residential Zone

n. C-14 – Kildala Mixed Use Commercial/Residential Zone

3. In addition to all other regulations in the Code, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged within a Commercial Zone except in accordance with the provisions of this Division.

Access

4. Every building in a commercial zone shall be sited so that each office, bank, store or other lettable space has at least one direct access to public highway or pedestrian mall. Where such lettable space has no direct access, a service corridor not less than 1.2 metres in width shall be provided to connect the lettable space with a public highway or pedestrian mall.

Refuse Storage

5. Refuse may be stored outside in a commercial zone only if it is effectively hidden from public view.

Off-Street Parking

6. Every required off-street parking space shall be a minimum area of 28 $m^2$ except where otherwise specified.

7. An owner of land or a group of such owners may pool his or their off-street parking spaces within one or more communal parking compounds provided that no part of such parking compound shall be more than 150 metres from the building or structure which it purports to serve.

8. Where a communal parking area is created in accordance with 9.5.1.7. the requirements of parking spaces shall be the sum of off-street parking specified for each building or structure or use served.

Adjustment of Parking Requirements

9. Where the owner or occupier of a building in any commercial zone is required to provide off-street parking, Council may, by resolution, enter into an agreement with said owner or occupier to provide required off-street parking under such terms and conditions and at such time as Council deems necessary.

10. Notwithstanding the parking provisions of this Division, Council may, by resolution, permit or require the owner or occupier of a building in the C1 City Centre Zone to provide off-street parking on private property.

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Loading and Unloading

11. One off-street space not less than 45 m² for every supermarket or departmental store.

12. One space not less than 45 m² for every 930 m² or fraction thereof of gross leasable area on ground floor of every building other than a supermarket or department store.

Shipping Containers as Accessory Structures

If within the Downtown Revitalization Area:

13. Shall be temporary units.

14. Shall require a Development Permit for Downtown Revitalization Area (DP-DRA).

Outside the Downtown Revitalization Area:

15. Shall be temporary unit(s) unless term of one year or more is approved by Development Variance Permit (DVP).

16. Exterior shall match colour(s) and style of existing and principal buildings on same lot.

17. Shall not be stacked unless approved by DVP.

18. Shall be limited to a maximum of two containers per lot.

Liquor Primary Licence

19. Liquor primary licence shall be permitted in commercial zones where specified as an eligible land use.

Subdivision 2 - C1 - City Centre Zone

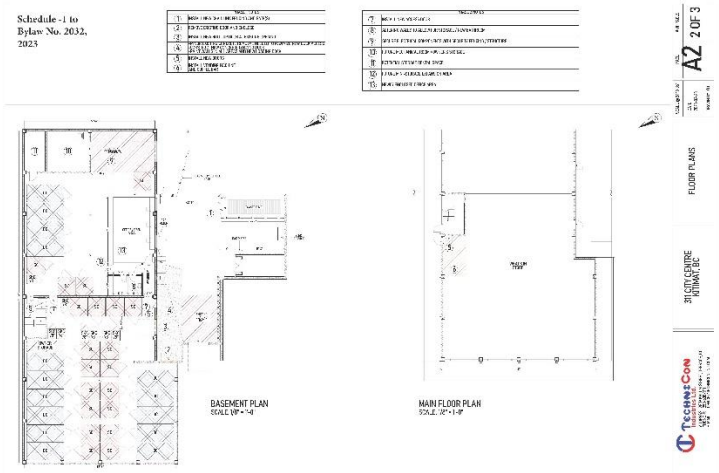
9.5.2. Permitted Uses

1.

a. Bank
b. Brewery
c. Cannabis Retail
d. Cidery
e. Community College
f. Courthouse
g. Cultural Activities
h. Day Care (Adult)
i. Day Care (Child)
j. Distillery
k. Dry Cleaning and Laundry
l. Extreme Weather Refuge, at Lot A, District Lot 6037, Plan 9891
m. Hotel
n. Library
o. Meadery
p. Motel
q. Municipal, Provincial, Federal Offices
r. Museum
s. Offices
t. Personal Service Shops
u. Police Station
v. Public Assembly
w. Recreation
x. Residential when combined with permitted commercial uses
y. Restaurants
z. Retail Trade
aa. Service Station
bb. Social Housing, at Lot A, District Lot 6037, Plan 9891
ab. Temporary Uses: in accordance with Part 9, Division 8
ac. Transportation
ad. Veterinary Hospital
ae. Veterinary Office
af. Winery

Bylaw No. 2032, 2023

ag. Enclosed Mini Storage Facility at the current lowest level of Lot 2 Block 1006 District Lot 6037 Range 5 Coast District Plan 5439, PID: 010-468-153 as proposed in the floor plans attached as Schedule 1.




ah. Eligible Land Use for Liquor Primary Licence

Permitted use:

i. Community College
ii. Cultural Activity
iii. Dry Cleaning and Laundry
iv. Hotel
v. Museum
vi. Personal Service Shop
vii. Public Assembly
viii. Recreation
ix. Restaurant
x. Retail Trade

Conditions of Use

2. Buildings and structures necessary to accommodate the requirements of the use are permitted:

a. maximum one dwelling unit for each 90 m² gross leasable commercial area;
b. dwelling unit cannot be located at or below grade, or below a commercial premise.

3. Lot Coverage (Maximum):

   a. 100%;
   b. 25% for service station.

4. Front Yard (Minimum): 4.5 metres for fuel pumps.

Fuel Storage

5. Storage tanks for liquified petroleum gas shall be limited to 5,000 litres total capacity.

Off-Street Parking (Minimum): See 9.5.1.6. to 9.5.1.11.

6. All off-street parking to be dedicated to municipality to form communal parking areas. 1.5 m² of parking shall be provided for every m² of G.L.A. except as follows:

   a. bowling alley - 65 m² parking per lane;

   b. theatre and public assembly - one space for every four fixed seats or one space for every 4.5 m² of area under public assembly, whichever is greater;

   c. hotel sleeping rooms - one space for every two sleeping rooms;

   d. motel sleeping rooms, one space for every sleeping room;

   e. residential combined with permitted commercial uses, two parking spaces for each dwelling unit. Parking area to be privately owned and maintained;

   f. vehicle servicing - two parking spaces per vehicle service bay. Parking and drive areas to be privately owned and maintained.

Off-Street Loading and Unloading: See 9.5.1.11 and 9.5.1.12

Access

7. Each access shall be paved if the abutting street is paved.

8. For any lot of 15 metres frontage or less: one access not exceeding 4.5 metres in width.

9. For any lot of more than 15 metres frontage:

a. one access not exceeding 9 metres in width; or

b. two accesses, neither of which shall exceed 5 metres in width.

10. Police Station: three accesses, none of which shall exceed 5 metres in width.

11. Service Station:

a. two paved accesses each no greater than 7.5 metres in width excluding curb radii not in excess of 3 metres;

b. corner lots may have three accesses.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3.

Subdivision 3 - C2 Neighbourhood Centre Zone

9.5.3. Permitted Uses

1. a. Animal Grooming Parlour

b. Appliance and Furniture Repair

c. Art, Music, Dance, Fine Arts, Trade or Driving School

d. Bank or Financial Institution

e. Bowling Alley

f. Business or Professional Office

g. Club or Lodge Hall

h. Day Care (Child or Adult)

i. Dry Cleaning Establishment

j. Liquor Outlet

k. Medical or Dental Office, and Clinic

l. Motion Picture Theatre

m. Personal Service Shop

n. Restaurant, Cafe, Snack Bar

o. **[**REMOVED**]**

p. Residential (second floor or above and not below other permitted use)

q. Retail Trade

r. Temporary Use: in accordance with Part 9, Division 8

s. Studio or Craft Workshop

t. Sub-Post Office

u. Taxi Dispatch

Eligible Land Use for Liquor Primary Licence

v. Permitted Use:

i. Animal Grooming Parlour
ii. Appliance and Furniture Repair
iii. Bowling Alley
iv. Club or Lodge Hall
v. Dry Cleaning Establishment
vi. Liquor Outlet
vii. Motion Picture Theatre
viii. Personal Service Shop
ix. Restaurant, Café, Snack Bar
x. Retail Trade
xi. Studio or Craft Workshop

Conditions of Use

2. Buildings and structures necessary to accommodate the requirements of the use are permitted.

3. Lot Coverage (Maximum): 100%.

4. Height of Buildings (Maximum): 9 metres.

Off-Street Parking (Minimum): See 9.5.1.6. to 9.5.1.11.

5. All off-street parking to be dedicated to municipality to form communal parking areas. 1.5 m² of parking shall be provided for every m² of G.L.A. except as follows:

   a. bowling alley - 65 m² parking per lane;

   b. theatre and public assembly - one space for every four fixed seats or one space for every 4.5 m² of area under public assembly, whichever is greater;

Off-Street Loading and Unloading: See 9.5.1.12. and 9.5.1.13.

Access

6. Each access shall be paved if the abutting street is paved.

7. For any lot of 15 metres frontage or less: one access not exceeding 4.5 metres in width.

8. For any lot of more than 15 metres frontage:

   a. one access not exceeding 9 metres in width; or

   b. two accesses, neither of which shall exceed 5 metres in width.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3.

## Subdivision 4 - C3 Neighbourhood Sub-Centre Zone

9.5.4. Permitted Uses

1. a. Coffee Shop
   b. Day Care (Adult)
   c. Day Care (Child)
   d. Local Stores
   e. Offices
   f. Personal Services
   g. Religion
   h. Retail Trade
   i. Temporary Use in accordance with Part 9, Division 8.

Conditions of Use

2. Buildings and structures necessary to accommodate the requirements of the use are permitted.

3. Lot Area (Minimum): 0.4 ha.

4. Lot Coverage (Maximum): 25%.

5. Floor Area Ratio (Maximum): 0.25.

6. Height of Buildings (Maximum): 9 metres.

7. Front Yard (Minimum): 4.5 metres.

8. Side Yard (Minimum): 7.5 metres.

9. Rear Yard (Minimum): 7.5 metres.

Off-Street Parking (Minimum)

10. 1.5 $m^2$ of parking for every $m^2$ of G.L.A.

Off-Street Loading and Unloading: See 9.5.1.12. and 9.5.1.13.

Access

11. Each access shall be paved if the abutting street is paved.

12. For any lot of 15 metes frontage or less: one access not exceeding 4.5 metres in width.

13. For any lot of more than 15 metres frontage:

    a. one access not exceeding 9 metres in width; or

    b. two accesses, neither of which shall exceed 5 metres in width.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3.

Subdivision 5 - C4 Local Store Zone

9.5.5. Permitted Uses

1. The following uses are permitted in C4 Local Store Zone:

   a. Coffee Shop
   b. Day Care (Child)
   c. Day Care (Adult)
   d. Local Retail Trade
   e. Residence of Store Operator
   f. Accessory Dwelling Unit (Detached), at:
      i. L 1 DL 6188 R5C PL 8017 (49 Oolichan Avenue)
      ii. L 2 DL 6188 R5C PL 8017 (39 Oolichan Avenue)
      iii. L 3 DL 6188 R5C PL 8017 (29 Oolichan Avenue)
   g. Temporary Uses: in accordance with Part 9, Division 8

Conditions of Use

2. Permitted buildings and structures per lot:

   a. one local store G.L.A. 225 m² or less;
      i. Notwithstanding 9.5.5.2.a, two local stores with a combined G.L.A of 225 m2 or less are permitted at Lot A, District Lot 6153, Range 5 Coast District, Plan 6028, PID 010-120-980 (1442 Nalabila Boulevard) Bylaw No. 2063, 2025
   b. one dwelling unit for Store Operator
      i. Notwithstanding 9.5.5.2. b, two dwelling units for store operators are permitted at Lot A, District Lot 6153, Range 5 Coast District, Plan 6028, OID 010-120-980 (1422 Nalabila Boulevard) Bylaw No. 2063, 2025

   c. Accessory Dwelling Unit (Detached) use is not permitted unless a contiguous clear land area sufficient for a sewerage reserve disposal field is available on the parcel, as confirmed by a certified professional and Northern Health Authority;

3. Lot Area (Minimum): 930 m².

4. Lot Frontage (Minimum): 25 metres.

5. Lot Coverage (Maximum): 25%.

6. Floor Area Ratio: 0.25.

7. Height of Buildings: 9 metres.

8. Front Yard (Minimum): 4.5 metres.

9. Side Yard (Minimum): 1.8 metres.

10. Rear Yard (Minimum): 7.5 metres.

Off-Street Parking

11. One space for dwelling unit and 1.5 m² of parking for every m² of G.L.A.

Off-Street Loading and Unloading: See 9.5.1.12. and 9.5.1.13.

Access

12. Each access shall be paved if the abutting street is paved.

13. For any lot of 15 metres frontage or less: one access not exceeding 4.5 metres in width.

14. For any lot of more than 15 metres frontage:

    a. one access not exceeding 9 metres in width; or

    b. two accesses, neither of which shall exceed 5 metres in width.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3.

15. In addition to requirements of Subdivision 5, the following regulations will apply to: Lots 1, 2, 3, Registered Plan 8019 (29, 39, 49 Oolichan Avenue):

    a. Permitted Uses

    Agriculture
    Day Care (Adult)
    Day Care (Child)
    Home Occupation
    Local Retail Trade
    Residence of Store Operator
    Retail of Petroleum Fuels
    Temporary Uses in accordance with Part 9, Division 8;

    b. Lot Area (Minimum): 1,500 m² for fuel sales;

    c. Lot Frontage (Minimum): 30 m for fuel sales;

d. Front Yard (Minimum):

(1) 4.5 metres for fuel pumps;

(2) 12 metres for buildings in association with fuel sales;

Access

e. for fuel sales, two accesses, neither of which shall exceed 7.5 metres in width.

Subdivision 6 - C5 Limited Commercial Zone

9.5.6. Permitted and Accessory Uses

1. The following principal uses are permitted in the C5 Limited Commercial Zone:
   a. Carwash
   b. Cannabis Retail
   c. Drive-in Restaurants
   d. Hotels
   e. Motels
   f. Recreational Facilities
   g. Retail
   h. Restaurants
   i. Tourist Information
   j. Temporary Uses in accordance with Part 9, Division 8

2. The following accessory uses are permitted:
   a. Buildings and structures necessary to accommodate the requirements of the use
   b. office, and storage area associated with principal use
   c. Campground with up to 10 campsites in association with Hotel or Motel

Eligible Land Use for Liquor Primary Licence

3. Permitted Use:

   a. Hotel
   b. Recreational Facility
   c. Retail
   d. Restaurant

Conditions of Use

4. Lot Area (Minimum): Motels - 1,860 m².

5. Lot Coverage (Maximum): 50%.

6. Floor Area Ratio (Maximum): 0.8.

7. Height of Buildings (Maximum): 17.0 metres.

8. Front Yard (Minimum): 4.5 metres.

9. Side Yard (Minimum): 4.5 metres.

10. Rear Yard (Minimum): 5.8 metres.

Off-Street Parking (Minimum)

11. For motels - one space per guest sleeping room plus one space for every two employees.

12. For hotels - one space per two guest sleeping rooms, plus one space for every two employees.

13. For recreation and public assembly - one space for every 4.5 m² under public assembly use.

14. For restaurants, coffee shops and snack bars - one space for every 4.5 m² G.L.A.

15. For retail - 1.5 m² of parking space for ever m² GLA.

Off-Street Loading and Unloading: See 9.5.1.12. and 9.5.1.13.

Access

16. Each access shall be paved if the abutting street is paved.

17. For any lot of 15 metres frontage or less: one access not exceeding 4.5 metres in width.

18. For any lot of more than 15 metres frontage:

    a. one access not exceeding 9 metres in width; or

    b. two accesses, neither of which shall exceed 5 metres in width.

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Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3.

Subdivision 7 - C6 Transportation Service Zone

9.5.7. Permitted Uses

1. a. Personal Service Shops within Transport Terminal

b. Transport Terminal

c. Vehicle Rental

d. Tourist Information

e. Retail, installation and maintenance of compressed natural gas conversion systems and retail of compressed natural gas fuel.

f. Temporary Uses: in accordance with Part 9, Division 8.

Eligible Land Use for Liquor Primary Licence

g. Permitted Use:

i. Personal Service Shop within Transport Terminal
ii. Transport Terminal

Conditions of Use

2. Buildings and structures necessary to accommodate the requirements of the use are permitted.

3. Lot Area (Minimum): 1,860 m².

4. Lot Frontage (Minimum): 30 metres.

5. Lot Coverage (Maximum): 25%.

6. Floor Area Ratio (Maximum): 0.25.

7. Height of Buildings (Maximum): 9 metres.

8. Front Yard (Minimum): 4.5 metres.

9. Side Yard (Minimum): 7.5 metres.

10. Rear Yard (Minimum): 7.5 metres.

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Off-Street Loading and Unloading: See 9.5.1.11 and 9.5.1.12

Access

11. Two paved accesses each no greater than 7.5 metres in width excluding curb radii not in excess of 3 metres.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3.

Subdivision 8 - C7 Service Station Zone

9.5.8. Permitted Uses

1. a. Rental of Utility Trailers

b. Service Station

c. Temporary Uses: in accordance with Part 9, Division 8.

Conditions of Use

2. Buildings and structures necessary to accommodate the requirements of the use are permitted.

3. Lot Area (Minimum): 1,860 m².

4. Lot Frontage (Minimum): 30 metres.

5. Lot Coverage (Maximum): 25%.

6. Floor Area Ratio (Maximum): 0.25.

7. Height of Buildings (Maximum): 9 metres.

8. Front Yard (Minimum):

a. pumps 4.5 metres;

b. canopies over fuel pumps 4.5 metres;

c. buildings 12 metres.

9. Side Yard (Minimum): 4.5 metres.

10. Rear Yard (Minimum): 7.5 metres.

Fuel Storage

11. Storage tanks for liquified petroleum gas shall be limited to 5,000 litres total capacity.

Off-Street Loading and Unloading: See 9.5.1.12. and 9.5.1.13.

Access

12. Two paved accesses each no greater than 7.5 metres in width excluding curb radii not in excess of 3 metres.

13. The two primary accesses are to be at an angle of 75°.

14. Service stations on corner lots may have three paved accesses.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3.

Subdivision 9 - C8 Special Commercial Zone

9.5.9. Permitted Uses

1. a. Business and Professional Office

b. Temporary Uses: in accordance with Part 9, Division 8.

Conditions of Use

2. Buildings and structures necessary to accommodate the requirements of the use are permitted.

3. Lot Area (Minimum): 930 $m^2$.

4. Lot Frontage (Minimum): 25 metres.

5. Lot Coverage (Maximum): 50%.

6. Floor Area Ratio (Maximum): 0.75.

7. Height of Buildings (Maximum): 9 metres.

Off-Street Parking (Minimum)

8. 1.5 m² of parking for every m² of G.L.A.

Access

9. One paved access no greater than 7.5 metres in width, excluding curb radii not in excess of 3 metres.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3, regulations applicable to the C1, City Centre Zone.

## Subdivision 10 - C9 Convenience Commercial Zone

9.5.10. Permitted Uses

1. a. Retail Trade

b. Retail of Petroleum Fuels

c. Retail of Liquid Petroleum Gas and Compressed Natural Gas

d. Coin Operated Car Wash

e. Temporary Uses: in accordance with Part 9, Division 8.

Conditions of Use

2. Buildings and structures necessary to accommodate permitted uses may be constructed.

3. Lot Area (Minimum): 1,860 m².

4. Lot Frontage (Minimum): 30 metres.

5. Lot Coverage (Maximum): 25%.

6. Floor Area Ratio (Maximum): 0.25.

7. Height of Buildings (Maximum): 9 metres.

8. Front Yard (Minimum):

   a. pumps 4.5 metres;

   b. canopies over fuel pumps 4.5 metres;

   c. buildings 12 metres.

9. Side Yard (Minimum): 4.5 metres.

10. Rear Yard (Minimum): 4.5 metres.

Fuel Storage

11. Storage for liquified petroleum gas shall be limited to 5,000 litres total capacity.

Off-Street Parking (Minimum)

12. 1.5 $m^2$ of parking for every $m^2$ of GLA

Off-Street Loading and Unloading: See 9.5.1.12. and 9.5.1.13.

Access

13. Two paved accesses each no greater than 7.5 metres in width excluding curb radii not in excess of 3 metres.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3, regulations applicable to C1, City Centre Zone.

## Subdivision 11 - C10 Agriculture Commercial

9.5.11. Permitted Uses

1. The following principal uses are permitted:

   a. Agriculture, including greenhouse(s), nursery, boarding kennel or stable

   b. Detached residence for business operator

   c. Local Retail Trade, including retail of petroleum fuels

   d. Recreation, Commercial

   e. Retail of agricultural products and supplies

f. Veterinary office

g. Veterinary hospital

h. Temporary Uses in accordance with Part 9, Division 8

2. The following accessory uses are permitted:

a. Accessory Dwelling Unit (Detached) at:
   i. LOT 1 DISTRICT LOT 307 RANGE 5 COAST DISTRICT PLAN EPP86302 (181 Loganberry Avenue)
   ii. LOT 2 DISTRICT LOT 307 RANGE 5 COAST DISTRICT PLAN EPP86302 (189 Loganberry Avenue)
   iii. LOT 3 DISTRICT LOT 307 RANGE 5 COAST DISTRICT PLAN EPP86302 (207 Loganberry Avenue)

Conditions of Use

3. Buildings and structures necessary to accommodate the requirements of the uses are permitted:
   a. Dwelling Units (Maximum): 2 per parcel
   b. Dwelling units cannot be located below a commercial or agricultural premise
   c. Maximum GLA for retail trade is 225 m²

4. Lot Area (Minimum) .6ha

5. Frontage (Minimum) 40m

6. Lot Coverage (Maximum): 15%, excluding agricultural buildings

   a. LOT 3 DISTRICT LOT 307 RANGE 5 COAST DISTRICT PLAN EPP86302, PID 030 865 808 (207 Loganberry Avenue): 50%, excluding agricultural buildings.

7. Floor Area Ratio (Maximum): 0.25

   a. LOT 3 DISTRICT LOT 307 RANGE 5 COAST DISTRICT PLAN EPP86302 PID 030 865 808 (207 Loganberry Avenue): 0.75

8. Height of Buildings 9m, excluding agricultural buildings

9. Front Yard (Minimum) 4.5m for accessory building or garage, 9m for principal building, 15m for building associated with fuel sales

10. Side Yard (Minimum) 4.5m

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11. Rear Yard (Minimum) 9m

Off Street Parking

12. The following Off-Street Parking is required in the C10 Agriculture Commercial Zone:

    a. Dwellings: Two spaces for each dwelling unit; plus
    b. Retail: 1.5 $m^2$ of parking for every $m^2$ of Gross Leasable Area; and,
    c. Recreation, Commercial:
        i. 1.5 $m^2$ of parking space for every $m^2$ of retail space;
        ii. As per S. 9.7.1.7; except for LOT 3 DISTRICT LOT 307 RANGE 5 COAST DISTRICT PLAN EPP86302 PID 030 865 808 (207 Loganberry Avenue) where 1 parking space is required for each operational go-kart in addition to spaces required for retail area and dwelling.

13. 1.5$m^2$ for every $m^2$ GLA retail trade

Off Street Loading and Unloading

14. One space of not less than 45$m^2$ for every 1000$m^2$ GLA on ground floor for commercial purposes

Access

15. Access shall be paved where abutting street is paved

16. One access not exceeding 9m in width or

17. Two accesses neither of which is more than 5m in width, but

18. For fuel sales, two accesses neither exceeding 7.5m wide, excluding curb radii not in excess of 3 metres, and less than 3m from any intersecting property line and 6m from property line at a corner or curb radii, whichever is closer.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.18.

Signs: See Part 9, Division 3

Subdivision 12 - C11 Highway Commercial Zone

9.5.12. Permitted and Accessory Uses

1. The following principal uses are permitted in the C11 Highway Commercial Zone:

   a. Carwash
   b. Drive-in Restaurant
   c. Hotel
   d. Motel
   e. Office
   f. Recreational Facility
   g. Retail
   h. Restaurant
   i. Service Station
   j. Tourist Information
   k. Temporary Uses in accordance with Part 9, Division 8

Eligible Land Use for Liquor Primary Licence

   l. Permitted Use:

      i. Hotel
      ii. Recreational Facility
      iii. Retail
      iv. Restaurant

2. The following accessory uses are permitted:

   a. Buildings and structures necessary to accommodate the requirements of the use
   b. Office, and storage area associated with principal use

Conditions of Use

3. Lot Area (Minimum): Motels - 1,860 $m^2$

4. Lot Coverage (Maximum): 50%

5. Floor Area Ration (Maximum): 0.5

6. Height of Buildings (Maximum): 18 metres

7. Front Yard (Minimum): 4.5 metres

8. Side Yard (Minimum): 4.5 metres

9. Rear Yard (Minimum): 7.5 metres

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Off-Street Parking (Minimum)

10. For motels - one space per guest sleeping room plus one space for every two employees

11. For hotel sleeping rooms - one space for every two sleeping rooms plus one space for every two employees

12. For recreation and public assembly - one space for every 4.5$m^2$ under public assembly use

13. For restaurants, coffee shops and snack bars - one space for every 4.5$m^2$ GLA;

14. For office or retail - 1.25$m^2$ of parking space for every $m^2$ GLA

Off-street Loading and Unloading: See 9.5.1.12. and 9.5.1.13.

Access

15. Each access shall be paved if the abutting street is paved

16. For any lot of 15 metres frontage or less: one access not exceeding 4.5 metres in width

17. For any lot of more than 15 metres frontage:

    a. one access not exceeding 9 metres in width; or

    b. two accesses, neither of which shall exceed 5 metres in width

Shipping containers as Accessory Buildings and Structures: See 9.5.1.13. to 9.5.1.18.

Signs: See Part 9, Division 3.

Subdivision 13 - C12 Commercial Transition and Interim Residential Dormitory Zone

9.5.13. Permitted and Accessory Uses

1. The following principal uses are permitted in the C12 Commercial Transition and Interim Residential Dormitory Zone:

   a. Hotel

   b. Motel

   c. Recreational Facility

   d. Tourist Information

   e. Temporary Uses in accordance with Part 9, Division 8

Eligible Land Use for Liquor Primary Licence

   f. Permitted Use:
      i. Hotel

      ii. Recreational Facility

      iii. Residential Dormitory until August 31, 2035

2. a. Residential dormitory until August 31, 2035

   b. Permitted Accessory Uses to a Residential Dormitory, also until August 31, 2035

      i. Coffee shop;

      ii. Restaurant or Dining Lounge;

      iii. Retail

Eligible Land Use for Liquor Primary Licence

   c. Accessory Use to Residential Dormitory:

      i. Coffee Shop

      ii. Restaurant or Dining Lounge

      iii. Retail

3. The following accessory uses are permitted:

   a. Buildings and structures necessary to accommodate the requirements of the use

   b. Office, and storage area associated with principal use

4. The provisions under subsections 9.5.13.5 to 9.5.13.18 inclusive apply exclusively to the uses permitted under 9.5.13.1 in this zone, and its permitted accessory uses;

Conditions of Use

5. Lot Area (Minimum): 3 ha

6. Lot Frontage (Minimum): 75 metres

7. Lot Coverage (Maximum): 10%

8. Floor Area Ratio (Maximum): 0.1

9. Front Yard (Minimum): 9 metres

Conditions of Use (continued)

10. Side Yard (Minimum): 4.5 metres

11. Rear Yard (Minimum): 9 metres

Off-Street Parking (Minimum)

12. For Hotels - one space per two guest sleeping room plus one space for every two employees

13. For Motels - one space per guest sleeping room plus one space for every two employees

14. For recreation and public assembly - one space for every 4.5 $m^2$ under public assembly use

15. For restaurants, coffee shops and snack bars - one space for every 4.5 $m^2$

16. For retail – 1.5 $m^2$ of parking space for every $m^2$ GLA

Off-Street Loading and Unloading: See 9.5.1.12 and 9.5.1.13.

Access

17. Each access shall be paved if the abutting street is paved

18. For any lot of 15 metres frontage or less: one access not exceeding 4.5 metres in width

19. For any lot of more than 15 metres frontage:

    a. one access not exceeding 9 metres in width; or

    b. two accesses, neither of which shall exceed 5 metres in width

Shipping Containers as Accessory Buildings and Structures:
See 9.5.1.13. to 9.5.1.18.

Signs: See Part 9, Division 3

Residential Dormitory, until August 31, 2035

20. The provisions under subsections 9.5.13.20 to 9.5.13.34 inclusive apply exclusively to the Residential Dormitory use permitted under 9.5.13.2, and permitted accessory uses, which are temporal in nature and only permitted until August 31, 2035

Conditions of Residential Dormitory Use:

21. No single dormitory building wing may contain more than 200 sleeping accommodation units

22. Lot area (Minimum): 7.5 ha

23. Lot Frontage (Minimum): 200 metres

24. Lot Coverage (Maximum): 50%

25. Density Bonusing for Amenities

| | Base | Bonus A | Bonus B |
|---|---|---|---|
| a. Sleeping Accommodation Units (Maximum) | 200 | Additional 400 (up to 600) | Additional 400 (up to 1000) |

The regulations under the "Base" column are generally applicable for the Residential Dormitory use in this zone as-of-right. On the provision of all of the following amenities and satisfaction of the following conditions, all at no cost to the District, the Number of Units regulations are, respectively, increased up to "Bonus" levels noted in the corresponding column above:

i. Bonus A Amenities

(1) A Housing Agreement in accordance with Section 483 of the Local Government Act requiring all sleeping accommodation units on the lands be single-occupancy, rental only and a minimum of 80% only available to construction workers and other employees of businesses located within an Industrial Zone of this Code; and

25. i. Bonus A Amenities: (continued)

(2) The provision of cash or in-kind contribution of $500 per sleeping accommodation unit paid incrementally as beds become operational to a District of Kitimat Housing fund for purposes of providing Affordable Housing in Kitimat

ii. Bonus B Amenities:

(1) All Bonus A Amenities, plus:

(2) Pedestrian access trails, including for those with mobility challenges, through the subject lands, including Statutory right-of-way for public access in the District's customary form

iii. For the purposes of the density-bonusing provisions of this bylaw, "Affordable Housing" means the construction, establishment, use and occupation of non-market rental residential dwelling units, where the units are either subsidized by a government authority or a minimum of 30% below fair market rent for such a comparable unit of same number of bedrooms such that the rental costs, including utilities, do not exceed, or such other provisions as secured through a Housing Agreement in accordance with Section 483 of the Local Government Act.

26. Height of Building (Maximum): 12 metres

27. Front Yard (Minimum): 4.5 metres

28. Side Yard (Minimum):

a. Dormitory building(s): 4.5 metres

b. Building with exclusively accessory uses: 3 metres

c. Single storey garage: 3 metres

29. Read Yard (Minimum): 7.5 metres

30. Distances between Buildings (Minimum): 9 metres

Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking

31. Two parking spaces are required for every ten sleeping accommodation units or part thereof; adjustable as detailed below:

a. Parking requirements may be reduced by one space for each bike parking space provided, to a maximum reduction of twenty parking spaces; and

b. On-site bus parking may be provided at a ratio of 1 bus per every 85 beds or portion thereof, and

32. Each required off-street parking space shall be 28 $m^2$ or more

Access (Maximum)

33. Each access shall be paved if the abutting street is paved

34. Up to two accesses of a width not exceeding 9 metres per lot shall be allowed

Accessory Buildings in Required Yards

35. See 9.4.1.7 to 9.4.1.11, except that 9.4.1.8 shall not apply for the residential Dormitory use

Signs: See Part 9, Division 3

## Subdivision 14 - C13 HTC Mixed Use Commercial/Residential Zone (Haisla Town Centre)

9.5.14. Permitted and Accessory Uses

1. The following principal uses are permitted in the C13 HTC Mixed Use Commercial/Residential Zone, and for the purposes of this Zone are all considered "Commercial Use":

    a. Bank
    b. Hotel
    c. Motion Picture Theatre
    d. Offices
    e. Personal Service Shops
    f. Retail Trade (GLA of 750 sq m or less)
    g. Restaurant
    h. Temporary Uses: In accordance with Part 9, Division 8

2. The following secondary uses are permitted distinct from, but only after, a principal Commercial Use under section 9.5.14.1, other than a Temporary Use, has been established:

    a. Dry Cleaning Establishment
    b. Cultural Activities
    c. Day Care (Child)
    d. Day Care (Adult)
    e. Public Assembly
    f. Tourist Information

3. The following accessory uses are permitted with principal or secondary commercial uses under section 9.5.14.1 or 9.5.14.2, respectively:

    a. Buildings and structures necessary to accommodate the requirements of the use

4. Multi-Family Residence is permitted as principal use provided:

    a. any principal Commercial Use under section 9.5.14.1, other than a Temporary Use, is established and ongoing within the C13 HTC Zone; and

b. In recognition of facilitating timely development within this zone, multi-family residence is permitted:
   i. independently until 31 December 2029; or
   ii. provided a secondary commercial use under section 9.5.14.2 is established and ongoing within the C13 HTC Zone until 31 December 2039.

c. The following accessory uses are permitted:
   i. Buildings and structures necessary to accommodate the requirements of the use
   ii. Home Business Address
   iii. Home Occupation
   iv. Daycare (Child)
   v. Daycare (Adult)

Conditions of All Uses - Zone Boundaries

5. The provisions under subsections 9.5.14.5 to 9.5.14.6 inclusive apply exclusively to all uses permitted under 9.5.14.1 to 9.5.14.4 inclusive in this zone.

6. In addition to other yard and setback provisions of the *Kitimat Municipal Code*, no building or other structure, with exception of retaining walls, may be located in this zone within:

   a. 5.0m of Lahakas Boulevard North;
   b. 85m of Albatross Avenue
   c . 5.0m of the most westerly property line between Albatross Avenue and Haisla Boulevard;
   d. 5.0m of Haisla Boulevard;
   e. 1.5m of the existing Park located at the southwest corner of the property (adjacent to Haisla/Lahakas intersection);

   each as measured from the property line proximate the area noted.

Conditions of Use - Commercial Uses

7. The provisions under subsections 9.5.14.7 to 9.5.14.21 inclusive apply exclusively to the uses permitted under 9.5.14.1 to 9.5.14. 3 inclusive in this zone.
8. Lot Area (Minimum): All Commercial Uses combined - 1.5 ha

9. Frontage: Combined Minimum for Commercial Uses (which may include any area dedicated as road), whether providing access or not:

   a. 50 metres along Lahakas Boulevard North
   b. 125 metres along Haisla Boulevard

10. Floor Area Ratio (Maximum): 2.0

11. Area for Retail Trade (Maximum): 750 sq m per distinct unit

12. Height of Buildings (Maximum): 22 metres

13. Front Yard (Minimum): 1.5 metres

14. Side Yard (Minimum): 1.5 metres

15. Rear Yard (Minimum): 1.5 metres

Off-Street Parking (Minimum) - Commercial Uses: See also 9.5.1.6 to 9.5.1.9

16. For hotel sleeping rooms - one stall for every two sleeping rooms plus one stall for every two employees

17. For theatre, recreation, public assembly and cultural activities - one stall for every 4.5 sq m under public assembly use.

18. For restaurants, coffee shops and snack bars - one stall for every 4.5 sq m of GLA

19. For retail, personal service shops, and all other commercial uses, principal or secondary - 1.5 sq m parking area for every sq m of GLA.

Off-Street Loading and Unloading: See 9.5.1.11 and 9.5.1.12

Access

20. Paved access not less than 10m in width shall be provided on the north side of the Haisla Boulevard, immediately North of Tsimshian Avenue.

21. Every building shall have at least one direct access to public highway or pedestrian mall. Where buildings have no direct access, a private road or service corridor not less than 2.0 metres shall be provided to connect the building to a public highway.

Shipping Containers as Accessory Buildings and Structures: See 9.5.1.13 to 9.5.1.14

Signs: See Part 9, Division 3

Conditions of Use - Residential

22. The provisions under subsections 9.5.14.22 to 9.5.14.40 inclusive apply exclusively to the uses permitted under 9.5.14.4 inclusive in this zone.

23. Permitted buildings and structures:

    a. apartment building (maximum 3 buildings within the C13 HTC Zone)
    b. accessory buildings and structures

24. Lot Area (Minimum): Apartment: 185 sq m per dwelling unit, subject to a minimum of 1.0ha per building

25. Lot Frontage:

    a. Minimum 68m per apartment building
    b. Maximum 275m along Lahakas Boulevard North (whether providing access or not), located no closer than 50m from municipal park at the intersection of Lahakas and Haisla Boulevards
    c. Maximum 174m along Haisla Boulevard, or adjacent area dedicated as park (whether providing access or not), located no closer than 125m from the municipal park located at the intersection of Lahakas and Haisla Boulevards

26. Lot Coverage (Maximum): 25%

27. Floor Area Ratio (Maximum): 0.75

28. Maximum number of dwelling units:
    a. 50 per building; and
    b. 150 combined total within this zone

29. Height of Building (Maximum): 20m or 5 residential storeys, whichever is less

30. Front Yard (Minimum): 1.5m

31. Side Yard (Minimum): 1.5m

32. Rear Yard (Minimum): 75m

33. Distances Between Buildings (Minimum): apartment buildings: 5.0m

<u>Off-Street Parking</u>

34. One parking stall required per one bedroom dwelling unit, two parking stalls required per two bedroom dwelling unit, both of which must have unrestricted access to a street

35. In addition, one parking stall with unrestricted access to a street is required for every five dwelling units or part thereof

36. Each required parking stall shall be no less than 2.7m x 6m if straight-in layout, or the Municipal Standard as specified by Drawing ADM-02L 1996-01-A

37. Parking Prohibition see: 9.4.1.19 to 9.4.1.20

Access

38. Every apartment building shall have paved access no less than 7.5m wide onto a paved private road between Lahakas Boulevard North and Haisla Boulevard

Accessory Buildings in Required Yards: See 9.4.1.9 to 9.4.1.11 and 9.4.1.13

Keeping of Animals: See 9.4.1.26 to 9.4.1.27

Signs: See Part 9, Division 3

## Subdivision 15 – C14 Mixed Use Residential/Commercial Zone

9.5.15. Permitted and Accessory Uses

1. The following principal uses are permitted:

    a. Motel
    b. Residential Dormitory
    c. Dwelling, Multi-Family Residence – Rental Apartments

2. The following accessory uses are permitted:

    a. Coffee Shop
    b. Day Care (Adult)
    c. Home Business Address
    d. Home Occupation
    e. Restaurant
    f. Buildings and structures necessary to accommodate the requirements of the use.
    g. Office, and storage area associated with principal use

Eligible Land Use for Liquor Primary License

3. Permitted Use:

    a. Coffee Shop
    b. Motel
    c. Restaurant

Conditions of Use

1. Commercial uses are not permitted above residential dwelling units

2. Drive-in or drive-thru restaurants are not permitted

3. Lot Area (Minimum): Motels - 1,690 $m^2$

4. Lot Coverage (Maximum): 25%

5. Floor Area Ratio (Maximum): 0.75

6. Height of Buildings (Maximum): 10 metres

7. Front Yard (Minimum): 4.5 metres

8. Side Yard (Minimum): 4.5 metres

9. Rear Yard (Minimum): 7.5 metres

Off-Street Parking (Minimum)

10. Residential Dormitory – one space for every 4 sleeping rooms plus one space for every two employees.

11. Motels - one space for every two sleeping rooms plus one space for every two employees.

12. Restaurant or coffee shop - one space for every 4.5 square metres GLA.

13. For Multi-Family Residence – one space for every dwelling unit.

14. Notwithstanding 9.5.15.10 to 9.5.15.13, off-street parking (minimum) may be reduced by:

    (a) One space for each bicycle parking space provided, to a maximum reduction of ten percent;

    (b) Ten percent when one electric vehicle charging station provided, and twenty percent when two or more electric vehicle charging stations are provided;

    (c) Notwithstanding 9.5.15.14 (a) and (b), off-street parking must not be reduced beyond 75% of minimum requirement.

Off-street Loading and Unloading: See 9.5.1.12. and 9.5.1.13.

Access

15. Each access shall be paved if the abutting street is paved

16. For any lot of 15 metres frontage or less: one access not exceeding 4.5 metres in width

17. For any lot of more than 15 metres frontage:

    a. one access not exceeding 9 metres in width; or
    b. two accesses, neither of which shall exceed 5 metres in width

Shipping containers as Accessory Buildings and Structures: See 9.5.1.13. to 9.5.1.18.

Signs: See Part 9, Division 3.

PART 9 - PLANNING
Division 6 - Industrial Zoning

Subdivision 1 - General

9.6.1. 1. The purpose of designating parts of the municipality as Industrial Zones is to segregate industrial uses from other land uses and to provide appropriate land for primary industries, service industries and maintenance yards.

2. For the purpose outlined in Section 9.6.1.1. the Industrial Zones are divided into the following:

a. M1 - Manufacturing Zone

b. M2 - Service Centre General Zone

c. M2-A - Service Centre Commercial Zone

d. M2-B - Service Centre Industrial Zone

e. M3 - Maintenance Depot Zone

f. M4 - Industrial Sawmill Zone

3. In addition to all other regulations in the Code, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged within an industrial zone except in accordance with the provisions of the following Division.

4. Subject to all other provisions, the following uses are permitted in all Industrial Zones:

a. sleeping accommodation for a watchman if it can be shown to the satisfaction of the Council that the presence of the watchman on the premises is essential;

b. living accommodation for employees if it can be shown to the satisfaction of the Council that an employee residence is essential to the operation of marine, air or rail transportation facilities.

Off-Street Loading

5. One space not less than 45 m² in area shall be provided for every 930 m² or fraction thereof of G.L.A. in excess of 185 m².

Subdivision 1 - General (Continued)

9.6.1. Access

6. Each access shall be paved if the abutting street is paved.

7. No access shall encroach upon curb or pavement radii at intersections.

8. In the case of a corner lot, any access shall be 6 metres or more from the intersection of the property lines forming the corner.

9. Any two accesses connecting a parking lot, off-street loading area, or automobile sales and service business to a single highway shall be separated by an island not less than 3.7 metres wide.

10. Maximum one access not exceeding 5 metres wide if the lot has frontage of 15 metres or less.

11. Maximum one access not exceeding 7.5 metres wide if the lot has frontage greater than 15 metres but less than 30 metres.

12. Maximum one access not exceeding 12 metres in width or two accesses each not exceeding 5 metres in width if the lot has frontage greater than 30 metres.

13. For lots having frontage greater than 75 metres, one access not exceeding 18 metres in width, or two accesses not exceeding 9 metres in width, for each 75 metres of total street frontage.

14. Notwithstanding the provisions of 9.6.1.10. to 9.6.1.13., the following shall apply for the businesses of automobile sales and service which have gasoline pumps:

    a. two accesses of a maximum 7.5 metres each, if the frontage is 30 metres or more; or

    b. three accesses of a maximum of 7.5 metres each for corner lots, two accesses on one lot line and one access on another lot line, provided that the lot lines are 30 metres or more each.

15. In the case of lots whose rear lot line as well as front lot line abut onto a highway, the provisions under "Access" of 9.6.1.10. to 9.6.1.13. shall apply to each front and rear lot line.

Subdivision 1 - General (Continued)

9.6.1. 16. Notwithstanding the provisions of 9.6.1.10. to 9.6.1.14., no lot shall be permitted direct access onto Haisla Boulevard between Station Street and Enterprise Avenue.

Shipping Containers as Accessory Buildings and Structures

17. Shall require painting or screening unless located in the M1 Manufacturing Zone.

18. Shall be limited to 2 containers per lot unless additional units are approved by a Development Variance Permit or property is located in the M1 Manufacturing Zone.

Liquor Primary Licence

19. Liquor primary licence shall be permitted in industrial zones where specified as an eligible land use.

Subdivision 2 - M1 Manufacturing Zone

9.6.2. Permitted Uses

1. a. Abattoir
b. Agriculture
c. Brewery
d. Cannabis Production
e. Cidery
f. Construction Camp
g. Distillery
h. Log Booming
i. Manufacturing
j. Marine Activities
k. Meadery
l. Processing of Animal Products
m. Restaurants
n. Storage
o. Transportation
p. Temporary Uses: in accordance with Part 9, Division 8.
q. Winery

Eligible Land Use for Liquor Primary Licence

r. Permitted Use:

i. Construction Camp
ii. Restaurant
iii. Storage

Subdivision 1 - General (Continued)

9.6.2

Conditions of Use

2. Buildings and structures necessary to accommodate the permitted uses may be constructed.
3. Front Yard (Minimum): 3 metres
4. Side Yard (Minimum): 3 metres.
5. Rear Yard (Minimum): 3 metres.
6. Distance between buildings on the same lot (Minimum): 3 metres or nil.

Subdivision 2 - M1 Manufacturing Zone (Continued)

9.6.2. Shipping Containers as Accessory Buildings and Structures:
See 9.6.1.17 to 9.6.1.18.

Conditions of Construction Camp Use

7. Lot Area (Minimum): 5 hectares
8. Lot Frontage (Minimum): 100 metres
9. Lot Coverage (Maximum): 50%
10. Density Bonus for Amenities:

| | Base | Bonus A | Bonus B |
|---|---|---|---|
| a. Sleeping Accommodation Units (Maximum) | 25 | 26 (to 3000) | 3001 (to 5000) |

The regulations under the "Base" column are generally applicable for the Construction Camp use in this zone as-of-right. On the provision of all of the following amenities and satisfaction of the following conditions, all at no cost to the District, the Number of Units regulations are increased up to "Bonus levels noted in the corresponding column above:

i. Bonus A Amenities

(1) A Housing Agreement in accordance with section 483 of the Local Government Act requiring all sleeping accommodation units on the lands be single-occupancy, and 100% available to workers related to industrial projects, and establishing a maximum operating period of twenty years; and

(2) Contribution(s) of $500 per sleeping accommodation unit, by construction camp owner to the District of Kitimat Affordable Housing Fund; which may be paid incrementally as beds become operational; and

(3) Cash or in-kind contributions made by construction camp owner or project proponent after 1 January 2015 to affordable housing programs in Kitimat or non-profit housing projects in Kitimat.

Subdivision 2 - M1 Manufacturing Zone (Continued)

9.6.2. 10. Contributions to Kitimat projects or programs under (3) above will be credited as equivalent to the $500 per sleeping accommodation unit as follows:

(i) If cash: dollar for dollar; or
(ii) If housing units: appraised value and only if affordability is secured by a Housing Agreement; or
(iii) If in-kind: current market rate, acting reasonably, for same or equivalent good or service.

ii. Bonus B Amenities

(1) All Bonus A Amenities, plus:

(2) All units in this phase must be self-contained and not connected to the District of Kitimat sewer system, or must provide necessary infrastructure upgrades such that capacity is increased to support units added.

iii. For the purposes of the density-bonus provisions of this bylaw, "Affordable Housing" means the construction, establishment, use and occupation of non-market rental residential dwelling units, where the units are either subsidized by a government authority or a minimum of 30% below fair market rent for a comparable unit such that the rental costs, including utilities, do not exceed 30% of gross household income, or such other provisions as secured through a Housing Agreement in accordance with section 483 of the Local Government Act.

11. Height of Building (Maximum): 12.5 metres

12. Front Yard (Minimum):

a. Building with reception/lobby: 25 metres
b. all other buildings: 4.5 metres

13. Side Yard (Minimum):

a. Dormitory building(s): 4.5 metres

14. Rear Yard (Minimum): 7.5 metres

15. Distances between buildings (Minimum): 9 metres

Subdivision 2 - M1 Manufacturing Zone (Continued)

9.6.2. Off-Street Parking

16. One parking space is required for every five sleeping accommodation units or part thereof; adjustable as detailed below:

a. Parking requirement may be reduced by one space for each bike parking space provided, to a maximum reduction of one parking space for every twenty sleeping accommodation units; and

b. On-site bus parking may be provided at ratio of one bus per every 85 beds or portion thereof, and total parking requirement reduced by five spaces for each bus space.

17. Each required off-street parking space shall be 28 sq m or more.

Subdivision 3 - M2 Service Centre General Zone

9.6.3. Permitted Uses

1. a. Auction Houses
b. Automotive Sales and Services
c. Builders Supplies
d. Cannabis Production
e. Cannabis Retail
f. Discount Store
g. Dry Cleaners and Laundries
h. Equipment Sales
i. Food Processing
j. Fuel Sales
k. Funeral Parlours
l. Light Industry
m. Municipal Yards
n. Nurseries
o. Offices
p. Printing Press
q. Second Hand Stores
r. Trailer, Boat and Mobile Home Sales and Services
s. Truck Terminals
t. Warehousing
u. Wholesaling
v. Kennel or Animal Boarding Establishment
w. Transportation, including helicopter landing pad meeting Transport Canada licensing standards.
x. Temporary Uses: in accordance with Part 9, Division 8.

Subdivision 3 - M2 Service Centre General Zone (Continued)

9.6.3. 1. Eligible Land Use for Liquor Primary Licence

z. Permitted Use:

i. Auction House
ii. Builders Supply
iii. Discount Store
iv. Dry Cleaner or Laundry
v. Funeral Parlour
vi. Nursery
vii. Second Hand Store

Conditions of Use

2. Buildings and structures necessary to accommodate the permitted uses may be constructed.

3. Lot Dimension (Minimum):

a. 15 metre frontage;
b. helipad - 45 metre frontage
- 45 metre depth.

4. Lot Coverage (Maximum): 75%.

5. Floor Area Ratio (Maximum): 1.00.

6. Front Yard (Minimum):

a. 4.5 metres;
b. service station buildings: 12 metres;
c. service station pumps: 4.5 metres.

7. Side Yard (Minimum): 3 metres on one side; nil or 1.8 metres on the other side; 4.5 metres on any side abutting a highway.

8. Rear Yard (Minimum): 3 metres; 4.5 metres if rear yard abuts a highway.

9. Distance between buildings on the same lot (Minimum): 3 metres or nil

10. Storage tanks for liquified petroleum gas shall be limited to 20,000 litres total capacity.

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Subdivision 3 - M2 Service Centre General Zone (Continued)

9.6.3. Off-Street Parking (Minimum)

11. 0.6 m² of parking for every m² of G.L.A.

12. Each parking space shall be no less than 28 m² in area.

13. The owner may provide all or some of the required parking by paying to the municipality for every m² of parking required an amount equal to current market value for purchase of lands, plus current estimates by the Municipal Engineer of costs for development of parking facilities to meet Kitimat standards plus 10%.

Off-Street Loading: See 9.6.1.5.

Access: See 9.6.1.6. to 9.6.1.16.

Shipping Containers as Accessory Buildings and Structures:
See 96.1.17 to 9.6.1.18.

Signs: See Part 9, Division 3.

Subdivision 4 - M2-A Service Centre Commercial Zone

9.6.4. Permitted Uses

1.
a. All uses in M2 Zone, excluding Cannabis Production
b. Barber and Hair Dressing Shops
c. Cannabis Retail
d. Coffee Shops
e. Hotels
f. News Stand
g. Pet Shop and Taxidermists
h. Photographic Studios
i. Retailing excluding Department Stores, Grocery Stores, and Clothing Stores
j. Shoe Shine
k. Tobacconists
l. Veterinary Clinics
m. Temporary Uses: In accordance with Part 9, Division 8

Subdivision 4 - M2-A Service Centre Commercial Zone (Continued)

9.6.4. Eligible Land Use for Liquor Primary Licence

n. Permitted Use:

i. Auction House
ii. Barber or Hair Dressing Shop
iii. Builders Supply
iv. Coffee Shop
v. Discount Store
vi. Dry Cleaner or Laundry
vii. Funeral Parlour
viii. Hotel
ix. News Stand
x. Nursery
xi. Pet Shop or Taxidermist
xii. Photographic Studio
xiii. Second Hand Store
xiv. Shoe Shine
xv. Tobacconist

Conditions of Use

2. Buildings and structures necessary to accommodate the permitted uses may be constructed.

3. Lot Dimension (Minimum):

a. 7.5 metre frontage;
b. helipad - 45 metre frontage
- 45 metre depth.

4. Lot Coverage (Maximum): 75%.

5. Floor Area Ratio (Maximum): 1.50.

6. Front Yard (Minimum):

a. service station buildings: 12.5 metres;

b. service station pumps: 4.5 metres.

7. Rear Yard (Minimum): 3 metres.

8. Distance between buildings on the same lot (Minimum): 3 metres or nil

Subdivision 4 - M2-A Service Centre Commercial Zone (Continued)

9.6.4. 9. Storage tanks for liquified petroleum gas shall be limited to 20,000 litres total capacity.

Off-Street Parking (Minimum)

10. 1.0 m² of parking area for every m² of G.L.A. except hotel sleeping areas, and one space for every two sleeping rooms in a hotel.

11. Each parking space shall be no less than 28 m² in area.

12. A property owner may provide all or some of the required parking by paying to the municipality for every m² of parking required an amount equal to current market value for purchase of lands, plus current cost estimates by the Municipal Engineer for developing parking facilities to meet Kitimat standards plus 10%.

Off-Street Loading: See 9.6.1.5.

Access: See 9.6.1.6. to 9.6.1.16.

Shipping Containers as Accessory Buildings and Structures:
See 96.1.17 to 9.6.1.18.

Signs: See Part 9, Division 3.

Subdivision 5 - M2-B Service Centre Industrial Zone

9.6.5. Permitted Uses

1. a. All uses in M2 Zone, excluding Cannabis Retail
b. Railways and Marshalling Yards
c. Wrecking Yards
d. Temporary Uses: in accordance with Part 9, Division 8.

Eligible Land Use for Liquor Primary Licence
e. Permitted Use:

i. Auction House
ii. Builder Supply
iii. Discount Store
iv. Dry Cleaner or Laundry
v. Funeral Parlour
vi. Nursery
vii. Second Hand Store

Subdivision 5 - M2-B Service Centre Industrial Zone (Continued)

Conditions of Use

2. Buildings and structures necessary to accommodate the permitted uses may be constructed.

3. Lot Area (Minimum): .2 ha.

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Subdivision 5 - M2-B Service Centre Industrial Zone (Continued)

9.6.5.

4. Lot Dimension (Minimum):

   a. 25 metre frontage;

   b. helipad - 45 metre frontage
      - 45 metre depth.

5. Lot Coverage (Maximum): 50%.

6. Floor Area Ratio (Maximum): 0.50.

7. Front Yard (Minimum):

   a. 4.5 metres;

   b. Service Station Buildings: 12 metres;

8. Side Yard (Minimum):

   a. 3 metres; or

   b. 4.5 metres on any side abutting a highway; or

9. Rear Yard (Minimum):

   a. 3 metres; or

   b. 4.5 metres if rear yard abuts a highway; or

10. Distance between buildings on the same lot (Minimum): 3 metres or nil.

Off-Street Parking (Minimum)

11. 0.3 $m^2$ of parking area for every $m^2$ of G.L.A.

12. Each parking space shall be no less than 28 $m^2$ in area.

Off-Street Loading: See 9.6.1.5.

Access: See 9.6.1.6. to 9.6.1.16.

Shipping Containers as Accessory Buildings and Structures:
See 96.1.17 to 9.6.1.18.

Signs: See Part 9, Division 3.

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Subdivision 6 - M3 Maintenance Depot Zone

9.6.6. Permitted Principal Use

1. a. Maintenance and Servicing of Vehicles and Equipment of Forest Product Companies

b. Maintenance Yards and Offices of Government and Public Utility Companies

c. Yard and Office Facilities Required for Service, maintenance and dispatch of construction and heavy equipment

d. Chamber of Commerce and Tourist Information Office

e. Salvage Yard for Recyclable Materials, excluding automobile salvage

f. Recycling Depot

g. Sandblasting and Painting Shop

h. Temporary Uses: in accordance with Part 9, Division 8

i. Warehousing and Mini Storage

Permitted Accessory Use

2. Caretaker dwelling

Conditions of Use

3. Buildings and structures necessary to accommodate the permitted uses may be constructed.

4. Lot Area (Minimum):

a. Forest Product company: 2 ha, all other uses;
b. 0.44 ha.

5. Lot Coverage (Maximum): 25%.

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Subdivision 6 - M3 Maintenance Depot Zone (Continued)

9.6.6.

6. Floor Area Ratio (Maximum): 0.25.

7. Front Yard (Minimum): 4.5 metres.

8. Side Yard (Minimum): 3 metres.

9. Rear Yard (Minimum): 3 metres.

10. Distance between buildings on the same lot (Minimum): 3 metres or nil.

11. Lot Frontage (Minimum): 50 metres.

Off-Street Parking (Minimum)

12. 0.3 m² of parking area for every m² of G.L.A. (plus one space for Caretaker Dwelling if required);

13. Each parking space shall be no less than 28 m² in area.

Off-Street Loading: See 9.6.1.5.

Access: See 9.6.1.6. to 9.6.1.16.

Shipping Containers as Accessory Buildings and Structures:
See 96.1.17 to 9.6.1.18.

Signs: See Part 9, Division 3.

Subdivision 7 - M4 Sawmill Industrial Zone

9.6.7. Permitted Uses

1. a. Sawmilling and Wood Processing;

b. Log Storage and Sorting;

c. Metal Salvage and Recycling including automobiles;

d. Temporary Uses: in accordance with Part 9, Division 8.

Conditions of Use

2. Buildings and structures necessary to accommodate permitted uses, excluding beehive burner, may be constructed.

3. Berm or landscape screen or combined berm and landscape screen 5m or more high; or minimum 50m wide buffer strip of natural vegetation shall be maintained on Highway 37 frontage (excluding M4 site access road of 18m or less);

4. Berm 1.8m or more high and drainage ditch shall be maintained between M4 zone area and Forest Avenue.

5. Site Area (Minimum): 2 ha.

6. Site Dimension (Minimum): 25 metres.

7. Lot Coverage (Maximum): 25%.

8. Floor Area Ratio (Maximum): 0.25.

9. Front Yard (Minimum): 4.5 metres.

10. Side Yard (Minimum): 3 metres.

11. Rear Yard (Minimum): 3 metres.

Access: See 9.6.1.6. to 9.6.1.16.

Shipping Containers as Accessory Buildings and Structures:
See 96.1.17 to 9.6.1.18.

Signs: See Part 9, Division 3, regulations applicable to M3 Service Depot Zone.

PART 9 - PLANNING
Division 7 - Greenbelt Zoning

Subdivision 1 - General

9.7.1. Purpose

1. The purposes for establishing Greenbelt Zones are listed below:

   a. to concentrate intensive commercial, industrial, and residential development in the Kitimat townsite and recognized industrial zones, thereby increasing the efficiency of municipal services and reducing costs;

   b. to provide appropriate lands, close to built-up areas, for schools, churches and other institutions serving local residents: and to enhance the general amenity and recreation of Kitimat residents;

   c. to separate intensive residential development from intensive, long-term, forest harvesting;

   d. to recognize the special character of, and provide opportunities for resort and rural resort developments;

   e. to ensure suitable land for rural residences is available;

   f. to recognize the special character of the local environment and the development limitations of environmentally sensitive lands, steep slopes, and lands prone to flooding or other natural hazards.

Zones

2. The following Greenbelt Zones are established:

   a. G1 Institutional
   b. G2 Local Park
   c. G3 Small Holding
   d. G3-A Cable Car
   e. G3-B Strawberry Meadows
   f. G3-C Residential
   g. G4 Recreation
   h. G4-A Rural Resort

Subdivision 1 - General (Continued)

9.7.1. 2. i. G5 Forestry
j. G5-A Forestry Transition
k. G6-A Special Area, Environmentally Sensitive

3. In addition to all other regulations in the Municipal Code no land within a Greenbelt Zone shall be used, and no building or structure shall be erected or altered or used within a Greenbelt Zone, except in accordance with the provisions of this Division.

Liquor Primary Licence

4. Liquor primary licence shall be permitted in greenbelt zones where specified as an eligible land use.

Permitted Uses

5. Temporary Uses: in accordance with Part 9, Division 8.

6. Water system intakes, pumphouses and water storage facilities are permitted in all Greenbelt Zones.

7. Permitted buildings and structures include those required for the permitted uses.

Off-Street Parking

8. Subject to the following exceptions, one parking stall shall be provided for each 14 m² or portion thereof of G.L.A.:

a. coffee shop, dining room or restaurant--one parking stall for each 4.5 m² G.L.A. or portion thereof;

b. marina--one parking stall per 7.5 metres of linear moorage;

c. golf course--four parking stalls per hole;

d. residence--two parking stalls per dwelling unit;

e. medical or community care institution--one parking stall per two beds;

f. education--one parking stall per classroom for day care, elementary or junior secondary school; two parking stalls per classroom for a senior secondary school; and

g. church, club or public assembly--one parking stall for each 7 m² of public assembly floor area.

Subdivision 1 - General (Continued)

9.7.1. 8. h. resort -- one parking stall for each guest room, plus stalls specified above for on-site residence; and any restaurant, marina, and golf course which is open to the public. Staff parking is to be provided on-site.

Access

9. Maximum access widths, as determined by lot frontage, are set out below:

a. where frontage is 15 metres or less, one access not exceeding 5 metres;

b. where frontage is greater than 15 metres but less than 30 metres, one access not exceeding 7.5 metres;

c. where frontage is greater than 30 metres but less than 75 metres, one access not exceeding 12 metres or two accesses of 5 metres or less;

d. where frontage is 75 metres or more, one access not exceeding 18 metres or two accesses of 9 metres or less.

Fences

10. a. Maximum height for any fence set back 4.5 metres or less from front property line is 1.2 metres; except a rail or wire fence (excluding chain link) may be 2.0 metres high in any Greenbelt zone except G3-C;

b. Maximum height of fences within required side and rear yards is 2 metres.

c. Maximum height of fences which are not located within a required yard is 3 metres.

d. Fences on corner lots shall comply with the provisions of section 9.10.5.

11. Containers:

a. shall not be stacked;
b. shall not be placed in front yard;
c. shall be painted or screened from road and abutting properties or parks.

Subdivision 2 - G1 Institutional Zone Regulations

9.7.2. Permitted and Accessory Uses

1. The following principal uses are permitted in the G1 Institutional Zone:

   a. Education
   b. Government, including public utilities and services
   c. Medicine, including medical and dental clinics, and hospitals
   d. Community Care Facilities serving nine or more persons
   e. Religion

   Eligible Land Use for Liquor Primary Licence

   f. Permitted Use:
      i. Education (Post-secondary only)
      ii. Mount Elizabeth Theatre, at Block 120, DL 6042 6153 and 6156 R5C District Plan 6035

2. Notwithstanding Subdivision 9.7.2.1, the following Accessory Uses are permitted and apply to Block 163 District Lots 6162 & 6167 Plan 6095 (1352 Alexander Avenue).

   Permitted Uses

   g. Coffee Shop (Kiosk)
   h. Office

3. The following accessory uses are permitted: Staff Residence(s)

4. Notwithstanding Subdivision 9.7.2.1, only the following Principal Land Uses are permitted and apply to Km 1.2 South Hirsch Main.

   Permitted Uses

   i. Meter Station

Conditions of Use

5. Maximum lot coverage is 30%.

6. Maximum floor area ratio is .5.

Building Setbacks

7. All properties shall have a front yard of 9 metres or more.

8. All properties shall have side yard(s) of 4.5 metres or more. Side yards bounded by a street shall be 9 metres or more.

Subdivision 2 - G1 Institutional Zone Regulations (Continued)

9.7.2 9. All properties shall have a rear yard of 9 metres or more.

10. Any yard which is either opposite to or abutting a residential zone (R1-A, R1-B, R1-C, R2-A, R2-B, R3-A, R3-B, R4-A, R5-A, R6-A, R6-B) shall be 9 metres wide or more, and shall include a 2 metre wide landscaped buffer.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Shipping Containers as Accessory Buildings and Structures: See 9.7.1.11.

Signs: See Part 9, Division 3.

Subdivision 3 - G2 Local Park Zone Regulations

9.7.3. Permitted and Accessory Uses

1. The following principal uses are permitted in the G2 Local Park Zone: Public Park, including campgrounds, day use areas, natural areas, and public open space.

2. The following accessory uses are permitted: selective forest harvest.

3. Temporary Use must be in accordance with Part 9, Division 8. Uses are limited to: coffee shop, retail trade, and outdoor recreation equipment rental.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Shipping Containers as Accessory Buildings and Structures: See 9.7.1.11.

Signs: See Part 9, Division 3.

Subdivision 4 - G3 Small Holding Zone

9.7.4. Permitted and Accessory Uses

1. The following principal uses are permitted in the G3 Small Holding Zone: Detached Residence with not more than two dwelling units.

Temporary Uses in accordance with Part 9, Division 8

Subdivision 4 - G3 Small Holding Zone (Continued)

9.7.4 2. The following accessory uses are permitted:

a. agriculture;
b. Bed and Breakfast;
c. Day Care (Adult)
d. Day Care (Child)
e. home business address;
f. home occupation.

Conditions of Use

3. Minimum lot area is .4 ha.

4. Minimum lot frontage is 40 metres.

5. Maximum lot coverage for residential use is 6%.

6. Maximum floor area ratio for any dwelling is .05.

7. Maximum height of any building is 9 metres.

Permitted and Accessory Uses

Building Setbacks

8. All properties shall have a front yard of 9 metres or more.

9. All properties shall have side yard(s) of 4.5 metres or more.

10. All properties shall have a rear yard of 9 metres or more.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Fences

11. a. Maximum height for any fence set back 4.5 metres or less from front property line is 1.2 metres; except a rail or wire fence (excluding chain link) may be 1.8 metres high;

b. Maximum height of fences within required side and rear yards is 2 metres.

c. Maximum height of fences which are not located within a required yard is 3 metres.

d. Fences on corner lots shall comply with the provisions of section 9.10.5.

Subdivision 4 - G3 Small Holding Zone (Continued)

9.7.4 Shipping Containers as Accessory Buildings and Structures: See 9.7.1.11.

Signs: See Part 9, Division 3.

Subdivision 5 - G3-A Cable Car

9.7.5. Permitted and Accessory Uses

1. The following principal uses are permitted in G3-A Cable Car Zone:

    a. Detached residence with not more than two dwelling units

2. The following accessory uses are permitted:

    a. Accessory Dwelling Unit (Detached)
    b. Agriculture;
    c. Bed and Breakfast
    d. Day Care (Adult)
    e. Day Care (Child)
    f. Home Business Address;
    g. Home Occupation.

Conditions of Use

3. Dwelling Units (Maximum): 2 per parcel

4. Accessory Dwelling Unit (Detached) use is not permitted unless a contiguous clear land area sufficient for a sewerage reserve disposal field is available on the parcel, as confirmed by a certified professional and Northern Health Authority

Building Setbacks

5. All properties shall have a front yard of 4.5 metres or more for any garage or carport and 9 metres for any residence or accessory structure.

6. All properties shall have side yard(s) of 4.5 metres or more.

7. All properties shall have a rear yard of 9 metres or more.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Fences

8. a. Maximum height for any fence set back 4.5 metres or less from front property line is 1.2 metres; except a rail or wire fence (excluding chain link) may be 1.8 metres high;

Subdivision 5 - G3-A Cable Car (Continued)

9.7.5

b. Maximum height of fences within required side and rear yards is 2 metres.

c. Maximum height of fences which are not located within a required yard is 3 metres.

d. Fences on corner lots shall comply with the provisions of section 9.10.5.

Temporary Uses

9. Temporary Uses in accordance with Part, 9 Division 8; limited to:

a. Brewery, Cidery, Meadery, Winery
b. Coffee Shop
c. Local Store
d. Personal Service Shop
e. Recreation
f. Cultural Activity
g. Animal Grooming;
h. No activity listed in *BC Contaminated Sites Regulation, Schedule 2,* unless environmental professional engaged at applicant expense and approved by District of Kitimat; or Ministry of Environment; has identified appropriate mitigation measures to be included as conditions of use and performance bonding in a form satisfactory to District of Kitimat and sufficient to complete mitigation is posted by business operator.

Shipping Containers as Accessory Buildings and Structures: See 9.7.1.11

Signs: See Part 9, Division 3.

Subdivision 6 - G3-B Strawberry Meadows

9.7.6. Permitted and Accessory Uses

1. The following principal uses are permitted in the G3-B Strawberry Meadows Zone:

   a. Detached residence with not more than two dwelling units.

   b. Hobby Farm, at:

      i. Lot 1 District Lot 307 Range 5 Coast Plan EPP40842 (5 Elderberry Street)

      ii. Lot 2 District Lot 307 Range 5 Coast Plan EPP40842 (13 Elderberry Street)

      iii. Lot 3 District Lot 307 Range 5 Coast Plan EPP40842 (23 Elderberry Street)

2. The following accessory uses are permitted:

   a. Accessory Dwelling Unit (Detached)
   b. Agriculture
   c. Bed and Breakfast
   d. Day Care (Adult)
   e. Day Care (Child)
   f. Home Business Address
   g. Home Occupation

Conditions of Use

3. Dwelling Units (Maximum): 2 per parcel

4. Lot Area (Minimum): 0.4 ha

5. Lot Frontage (Minimum): 40m

6. Lot Coverage (Maximum): 15%

7. Floor Area Ratio (Maximum): 0.15

8. Building Height (Maximum): 9m

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Subdivision 6 - G3-B Strawberry Meadows (continued)

9.7.6 Building Setbacks

9. All properties shall have a front yard of 4.5 metres or more for any garage or carport and 9 metres for any residence or accessory structure.

10. All properties shall have side yard(s) of 4.5 metres or more

11. All properties shall have a rear yard of 9 metres or more.

Temporary Uses

. 12. Temporary Uses in accordance with Part, 9 Division 8; limited to:

a. Brewery, Cidery, Meadery, Winery
b. Coffee Shop
c. Local Store
d. Personal Service Shop
e. Recreation
f. Cultural Activity
g. Animal Grooming;
h. No activity listed in *BC Contaminated Sites Regulation, Schedule 2,* unless environmental professional engaged at applicant expense and approved by District of Kitimat; or Ministry of Environment; has identified appropriate mitigation measures to be included as conditions of use and performance bonding in a form satisfactory to District of Kitimat and sufficient to complete mitigation is posted by business operator.

Parking and Access

13. Minimum two parking stalls per dwelling unit;

14. a. one access not exceeding 9m; or

b. two accesses of 7.5m or less where frontage is less than 60m; or

c. two accesses of 9m or less where frontage is 60m or more.

Fences: See Section 9.7.1.10.

Shipping Containers as Accessory Buildings and Structures: See 9.7.1.11.

Signs: See Part 9, Division 3

Subdivision 7 - G3-C Residential

9.7.7. Permitted and Accessory Uses

1. The following principal uses are permitted in G3-C Residential Zone:
   a. Detached residence with not more than two dwelling units

2. The following accessory uses are permitted:

   a. Accessory Dwelling Unit (Detached)

   b. Agriculture

   c. Bed and Breakfast

   d. Day Care (Adult)

   e. Day Care (Child)

   f. Home Business Address

   g. Home Occupation

Conditions of Use

3. Dwelling Units (Maximum): 2 per parcel

4. Minimum lot frontage is 40 metres

5. Maximum site coverage 15%

6. Maximum FAR .5, and

7. Maximum height 9m.

Building Setbacks

8. All properties shall have a front yard of 4.5m or more for any garage or carport and 9 metres or more for any residence or accessory structure.

9. All properties shall have side yard(s) of 4.5m or more.

10. All properties shall have a rear yard of 9m or more.

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Subdivision 7 - G3-C Residential (Continued)

9.7.7. Parking and Access

11. Two off-street parking stalls shall be provided per dwelling unit.

12. a. One access not exceeding 9m; or

b. Two accesses of 7.5m or less.

Fences: See Section 9.7.1.10.

Shipping Containers as Accessory Buildings and Structures:
See 9.7.1.11.

Signs: See Part 9, Division 3

Temporary Uses

13. Temporary Uses in accordance with Part, 9 Division 8; limited to:

a. Brewery, Cidery, Meadery, Winery
b. Coffee Shop
c. Personal Service Shop
d. Recreation
e. Cultural Activity
f. Animal Grooming;
g. No activity listed in *BC Contaminated Sites Regulation, Schedule 2,* unless environmental professional engaged at applicant expense and approved by District of Kitimat; or Ministry of Environment; has identified appropriate mitigation measures to be included as conditions of use and performance bonding in a form satisfactory to District of Kitimat and sufficient to complete mitigation is posted by business operator.

Subdivision 8 - G4 Recreation Zone Regulations

9.7.8. Permitted and Accessory Uses

1. The following principal uses are permitted in the G4 Recreation Zone:

a. Public, Private, or Commercial Recreation Facility including; but not limited to, Campground, Club, Golf Course, and Marina;

b. Temporary Uses: in accordance with Part 9, Division 8;

c. attached or detached residence with not more than two dwelling units;

Subdivision 8 - G4 Recreation Zone Regulations (Continued)

9.7.8. d. commercial kitchen for off-site catering.

2. The following accessory uses are permitted:

a. coffee shop, dining room, lounge or retail store associated with principal use;

b. Temporary Uses: in accordance with Part 9, Division 8;

c. home business address or home occupation.

Eligible Land Use for Liquor Primary Licence

3. Permitted Use:

a. Coffee Shop
b. Commercial Kitchen for Off-site Catering
c. Dining Room
d. Lounge
e. Public, Private, or Commercial Recreation Facility including; but not limited to, Campground, Club, Golf Course, and Marina
f. Retail Store

Conditions of Use

4. Minimum lot area 1000 m².

5. Minimum lot frontage 25 metres.

6. Maximum lot coverage 15%.

7. Maximum floor area ratio .15.

8. Maximum building height 9 metres.

Building Setbacks

9. All properties shall have:

a. a front yard of 9 metres or more;
b. side yard(s) of 4.5 metres or more; and
c. a rear yard of 9 metres or more.

Subdivision 8 - G4 Recreation Zone Regulations (Continued)

9.7.8. 10. Any yard which is either opposite to or abutting a residential zone (R1-A, R1-B, R1-C, R2-A, R2-B, R3-A, R3-B, R4-A, R5-A, R6-A, R6-B) shall be 9 metres or more and shall include a 2 metre wide landscaped buffer.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Shipping Containers as Accessory Buildings and Structures: See 9.7.1.11.

Signs: See Part 9, Division 3.

Subdivision 9 - G4-A Rural Resort

9.7.9. 1. Permitted and Accessory Uses

a. The following principal uses are permitted in the G4-A Rural Resort Zone:

Commercial accommodation operating as:

i. Bed & Breakfast Inn;
ii. Campground;
iii. Cottages;
iv. Guest Cabins;
v. Hotel;
vi. Inn;
vii. Lodge: or
viii. Motel

1. b. The following business, dining, entertainment and recreation facilities are permitted as accessory uses:

i. Cafe or Coffee Bar;
ii. Convenience, Gift, Marine or Souvenir Store associated with on-site accommodation or permitted accessory use;
iii. Convention Centre;
iv. Golf Course;
v. Lounge;
vi. Marina;
vii. Pub;
viii. Restaurant;
ix. Spa and related personal services

Subdivision 9 - G4-A Rural Resort (Continued)

9.7.9.

c. The following support facilities or services are permitted as accessory uses:

i. Communal dining, laundry and sanitary facilities for use by guests and/or staff;
ii. Staff dormitory

Eligible Land Use for Liquor Primary Licence

d. Permitted Use:

i. Coffee Shop
ii. Commercial Kitchen for Off-site Catering
iii. Dining Room
iv. Lounge
v. Public, Private, or Commercial Recreation Facility including; but not limited to, Campground, Club, Golf Course, and Marina
vi. Retail Store

e. Permitted Accessory Use to B&B, Inn, Hotel, Lodge, or Guest Cabins:

i. Cafe or Coffee Bar
ii. Convenience, Gift, Marine or Souvenir Store associated with on-site accommodation or permitted accessory use;
iii. Convention Centre
iv. Golf Course
v. Lounge
vi. Marina
vii. Pub
viii. Restaurant
ix. Spa and Related Personal Service

Conditions of Use

2. Minimum lot area 5 ha.

3. Minimum frontage 75m.

4. Maximum site coverage 15%.

5. Maximum building height 18m.

Subdivision 9 - G4-A Rural Resort (Continued)

9.7.9. Building Setbacks

6. All properties shall have:

   a. a front yard of 9m or more;
   b. side yard(s) of 4.5m or more; and
   c. rear yard of 9m or more.

7. Any yard which is opposite to or abutting a residential zone or park shall be 9m or more and shall include a landscape screen no less than 2m wide and 1.5m high.

Building Setbacks (continued)

8. Parking adjacent to a residential zone or park shall be set back 2m or more from property line and include a landscaped screen no less than 2m wide and 1.5m high.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Shipping Containers as Accessory Buildings and Structures:
See 9.7.1.11.

Signs: See Part 9, Division 3

Subdivision 10 - G5 Forestry Zone Regulations

9.7.10. Permitted and Accessory Uses

1. The following principal uses are permitted in the G5 Forestry Zone:

   a. Agriculture

   b. Forestry, including harvesting, tree planting, and portable sawmills

   c. Detached Residence with not more than two dwelling units

   d. Temporary Uses: in accordance with Part 9, Division 8.

Subdivision 10 - G5 Forestry Zone Regulations (Continued)

9.7.10. 2. The following accessory uses are permitted:

a. Bed and Breakfast

b. home business address

c. home occupation

d. Temporary Uses: in accordance with Part 9, Division 8.

Conditions of Use

3. Minimum lot area is 5 ha.

4. Maximum lot coverage is 10%.

5. Maximum floor area ratio is .1.

Building Setbacks

6. All properties shall have front and side and rear yards of 9 metres or more.

7. Any yard which is either opposite to or abutting a residential zone (R1-A, R1-B, R1-C, R2-A, R2-B, R3-A, R3-B, R4-A, R5-A, R6-A, R6-B) shall include a 2 metre wide landscaped buffer.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Shipping Containers as Accessory Buildings and Structures: See 9.7.1.11.

Signs: See Part 9, Division 3.

Subdivision 11 - G5-A Forestry Transition Zone Regulations

9.7.11. Permitted and Accessory Uses

1. The following principal uses are permitted in the G5-A Forestry Transition Zone:

   a. Agriculture
   b. Silviculture, including harvesting and tree planting
   c. Detached residence with not more than two dwelling units.

2. The following accessory uses are permitted:

   a. Accessory Dwelling Unit (Detached) at:
      i. PID 013-868-101, E 1/2 of DL 6005 R5C
   b. Bed and Breakfast
   b. Home Business Address
   c. Home Occupation
   d. Temporary Uses: in accordance with Part 9, Division 8.

   Conditions of Use

3. Dwelling Units (Maximum): 2 per parcel

4. Minimum lot frontage 75 metres.

5. Maximum lot coverage is 10%.

6. Maximum floor area ratio is .1.

   Building Setbacks

7. All properties shall have:

   a. a front yard of 9 metres or more;
   b. a side yard of 4.5 metres or more; and
   c. a rear yard of 9 metres or more.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Shipping Containers as Accessory Buildings and Structures: See 9.7.1.11.

Signs: See Part 9, Division 3.

Subdivision 12 - G6-A Special Areas -- Environmentally Sensitive

9.7.12. Permitted and Accessory Uses

1. The following principal uses are permitted in the G6-A Environmentally Sensitive Zone:

   a. Natural Open Space

   b. Outdoor Recreation

   c. Temporary Uses: in accordance with Part 9, Division 8.

2. The following accessory uses are permitted:

   a. preservation or improvement of habitat for fish, marine life, birds, mammals and other creatures.

Conditions of Use

3. Development of environmentally sensitive areas shall not diminish the natural attributes of the site.

Building Setbacks

4. All properties shall have front and side and rear yards of 9 metres or more.

5. Any yard which is either opposite to or abutting a residential zone (R1-A, R1-B, R1-C, R2-A, R2-B, R3-A, R4-A, R5-A, R6-A, R6-B) shall include a 2 metre wide landscaped buffer.

Parking and Access: See 9.7.1.8. and 9.7.1.9.

Shipping Containers as Accessory Buildings and Structures:
See 9.7.1.11.

Signs: See Part 9, Division 3.

PART 9 - PLANNING
Division 8 - Temporary Uses

Subdivision 1 - General

9.8.1. 1. Before issuing any Temporary Use Permit, Council or Planning Officer may:

a. set performance standards or conditions;

b. require a land owner provide the District with security in the form of an Irrevocable Letter of Credit, or another means acceptable to the Municipal Treasurer, to guarantee performance meets permit terms; and

c. require a land owner give undertaking to:

(1) demolish or remove any structure(s) associated with the temporary use; and

(2) restore the subject property to conditions specified in the permit, by the date specified in the permit.

2. Where a property owner fails to comply with any undertaking the District of Kitimat may enter property to demolish or remove any structure(s), and to restore property to conditions specified, at the owner's expense.

3. Security shall be returned to the applicant after performance has met permit terms.

4. Council, or other Planning Officer, may, upon written application, authorize a single renewal of a Temporary Use Permit.

5. Application, Notice, and Decision Process: See 9.2.2.

6. Any business requiring a Temporary Use Permit is not eligible for a liquor primary license.

PART 9 - PLANNING
Division 8 - Temporary Uses

Subdivision 2 - Temporary Use

9.8.2. 1. Temporary Use may be authorized by Council, or Planning Officer, upon written application, under a Temporary Use Permit.

2. Council, or other authorized body, may issue a Temporary Use Permit for a commercial or industrial activity, including temporary tourist accommodation or the processing of natural materials, which:

a. has an expected duration of thirty-six months or less; and

b. is located in a C12 Zone; an industrial zone; or a G-4, G-5, G5-A or G6-A greenbelt zone; or

c. for activities of a commercial nature, is located in an R1-A one-family detached residential zone and complies with Municipal Code home occupation regulations.

d. Only short-term commercial uses may permitted in commercial zones, excluding C12 where commercial and industrial uses may be permitted.

PART 9 - PLANNING
Division 9 - Development Areas

Subdivision 1 - General

9.9.1. 1. An owner of land designated as a Development Permit Area in the Kitimat Official Community Plan shall obtain a Development Permit from Council prior to:

a. subdividing; or

b. constructing, adding to, or altering a building or structure.

2. Notwithstanding Section 9.9.1.1., Council shall waive the requirement for a Development Permit for anyone locating, removing, adding to or altering an individual mobile home in a mobile home park.

3. Application and Decision Process: See 9.2.2.

PART 9 - PLANNING
Division 10 - Use of Highways and Other Public Spaces

Subdivision 1 - Highways

9.10.1. 1. No person shall construct, place or maintain any structure or material in, upon, under or over any highway except as provided in this Code. For purposes of this subdivision "material" does not include ice and snow.

2. No person shall deposit or permit to be deposited any ice or snow that has been removed from private property upon the portion of any highway that is constructed for vehicular or pedestrian travel.

3. Any person desiring to construct or place any structure or material in, under or over any highway shall apply in writing to the Municipal Engineer enclosing:

a. a statement of the nature and extent of the use proposed;
b. a written description or plan showing the dimensions and location of the proposed installation;
c. the name and address of the applicant, and--if different--the name of the owner or persons responsible for the proposed installation.

4. Upon receipt of an application, the Municipal Engineer may refuse or consent to the required use and in case of consent may, in addition to any other conditions required by this Division, impose such conditions as deemed fit.

5. a. Unless expressly waived in writing by the Chief Administrative Officer, the owner or occupier of the land applying for a permit shall file with the District of Kitimat an insurance policy insuring against liability for bodily injury or property damage.

b. The insurance covering bodily injury shall be in amount of not less than One Million Dollars ($1,000,000.00) each person, and One Million Dollars ($1,000,000.00) each occurrence, and the property damage liability shall be an amount of not less than One Million Dollars ($1,000,000.00) each accident. The District of Kitimat shall be named insured and the policy shall not be subject to cancellation except upon THIRTY (30) days' notice to all insured. The form of the policy shall be as approved by the Chief Administrative Officer.

Subdivision 1 - Highways (Continued)

9.10.1.

6. As a condition to the granting of the application, the applicant shall execute an encroachment agreement in the form described by the municipality.

7. The Municipal Engineer may set a time limit for the completion and quality of any use or installation authorized by this Division, and may require posting a performance bond sufficient for the municipality to restore the highway to its original condition if the person authorized to undertake the use or installation fails to meet the required time limit or quality specified by the Municipal Engineer.

8. Any decision made by the Municipal Engineer on an application for use of any highway shall be subject to an appeal to the Council.

9. The holder of a permit shall submit a written description or plan showing the dimensions and location of any permanent installation as built to the Municipal Engineer within NINETY (90) days after final completion of construction.

10. a. No person shall drive a motor vehicle upon or otherwise obstruct a sidewalk or walkway except with the permission of the Municipal Engineer.

b. Applications for such permission shall be made in writing to the Municipal Engineer and shall contain a statement of the nature and extent of the proposed use of the sidewalk and the duration thereof.

11. Any permission granted to the provisions of this Division may be cancelled upon FOURTEEN (14) days' notice being given to the holder of the permit if:

a. the installation is not located and constructed, or subsequent maintenance is not carried out, to the satisfaction of the Municipal Engineer;

b. the lands affected are not restored to a condition satisfactory to the Municipal Engineer;

c. the applicant or owner or person responsible therefor fails to repair to the satisfaction of the Municipal Engineer any damage caused by the installation, after being requested to do so;

Subdivision 1 - Highways (Continued)

9.10.1.

d. the applicant or owner or person responsible for the installation fails to indemnify and save harmless the municipality from any loss, damage or expense whatsoever caused by, arising out of, or resulting in any way from the installation or its use or, having done so, withdraws the same;

e. there is any change of ownership of the installation or of responsibility for the installation; and

f. the provisions of 9.10.1.9. are not fulfilled.

12. Notwithstanding anything herein contained, the Municipal Engineer shall not give his permission or consent to any proposed installation if he is of the opinion that:

a. the same can reasonably be avoided by installation in, upon, under, or over private property; or

b. the installation is likely to cause obstruction to traffic, danger to any person using the highway or damage to property.

Subdivision 2 - Boulevards

9.10.2.

1. For the purposes of this Subdivision "Boulevard" means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjoining property or between curbs on median strips or islands, but does not include any curbs, sidewalks or ditches or driveways.

Restriction

2. No person shall plant, erect, construct or place any tree, shrub, bush, hedge, fence, wall, sign, gravel or other object on any boulevard or portion thereof except as provided in 9.10.4.10. For purposes of this subdivision “other object” does not include ice or snow.

3. Nothing contained in 9.10.2.2. shall in any way whatsoever prevent the municipality, its agents or contractors from landscaping any boulevard or portion thereof.

Subdivision 2 - Boulevards (Continued)

9.10.2. Construction and Maintenance

4. An owner of land may construct and maintain that portion of any adjoining boulevard provided that such construction and maintenance conforms to the following specifications:

a. no person, in constructing or maintaining a boulevard abutting a sidewalk shall cause the toe of any slope greater than 3% to be nearer than 50 cm to such sidewalk;

b. the construction of a boulevard shall consist of grass properly seeded, sub-grade, topsoil evenly spread, perennial lawn grass seed sown at a rate sufficient to provide a uniformly thick turf;

c. the maintenance of a boulevard shall consist of frequent cutting of the grass throughout the growing season.

Subdivision 3 - Other Public Spaces

9.10.3. 1. No person shall construct, install, place or maintain any structure or material in, upon, under or over any public space except as provided in this Code.

Installation of Utilities or Temporary Storage of Materials

2. Any person desiring to use public space for installation of utilities whether above or below ground and for temporary storage of materials shall apply in writing to the Municipal Engineer, enclosing:

a. a statement of the nature and extent of the proposed use;

b. written description and drawings showing the dimensions and location of the proposed installation or storage and the area of the public space to be used;

c. the name and address of the owner or persons responsible for the proposed installation or storage; and

d. any other information required by the Chief Administrative Officer.

Subdivision 3 - Other Public Spaces (Continued)

9.10.3.

3. Upon receipt of an application, the Municipal Engineer may refuse or consent to the requested use and in case of consent may, in addition to any other conditions required by this Division, impose such conditions as deemed fit.

4. a. Unless expressly waived in writing by the Chief Administrative Officer, the owner or occupier of the land applying for a permit shall file with the District of Kitimat an insurance policy insuring against liability for bodily injury or property damage.

b. The insurance covering bodily injury shall be in an amount of not less than One Million Dollars ($1,000,000.00) each person, and One Million Dollars ($1,000,000.00) each occurrence, and the property damage liability shall be an amount of not less than One Million Dollars ($1,000,000.00) each accident. The District of Kitimat shall be named insured and the policy shall not be subject to cancellation except upon THIRTY (30) days' notice to all insured. The form of the policy shall be as approved by the Chief Administrative Officer.

5. As a condition to the granting of the application, the applicant shall execute an encroachment agreement in the form prescribed by the municipality.

6. Any decision made by the Municipal Engineer on an application for use of the public space other than highways shall be subject to an appeal to the Council.

As Built Drawings

7. The holder of a permit shall submit a written description or plan showing the dimensions and location of any permanent installation as built to the Municipal Engineer within NINETY (90) days after final completion of construction.

Subdivision 3 - Other Public Spaces (Continued)

9.10.3. Cancellation of Permit

8. Any permission granted under Section 9.10.3.3. to 9.10.3.5. may be cancelled by the Municipal Engineer upon FOURTEEN (14) days notice being given to the holder of the permit, if:

a. the use or installation permitted is not carried out or subsequently maintained to the satisfaction of the

b. the lands affected are not restored to a condition satisfactory to the Municipal Engineer;

c. the applicant or owner or person responsible for the installation or storage fails to indemnify and save harmless the municipality from any loss, damage or expense whatsoever caused by, arising out of or resulting in any way from the installation or storage or, having done so, withdraws the same;

d. there is any change in ownership or of responsibility for the installation or storage; and

e. the requirements of 9.10.3.7. are not fulfilled.

Buildings and Structures

9. Any person desiring to construct or place any building or structure on public space shall apply in writing to the Council, enclosing:

a. a statement of the nature and use of proposed building or structure;
b. written description or drawings showing the dimensions and location of the proposed building or structure;
c. the name and address of the owner or person responsible for the proposed building or structure; and
d. any other information required by the Council.

Permission by Council

10. Council may issue a permit authorizing construction of buildings or structures on public space pursuant to 9.10.3.9. and may lay down conditions. Any conditions so laid down shall be attached to and form part of the permit.

Subdivision 3 - Other Public Spaces (Continued)

9.10.3. 11. It shall be an offence to violate the terms of the permit issued under 9.10.3.3., 9.10.3.4., 9.10.3.5., 9.10.3.6., and 9.10.3.10.

Subdivision 4 - Location

9.10.4. Private Walkway/Driveway

1. The minimum distance of any private walkway, driveway or structure other than a fence from any fire hydrant shall be 2 metres.

2. No driveway shall encroach upon curb or pavement radii at intersections.

3. In the case of a corner lot in any zone, no driveway shall be located closer than 6 metres from the intersection of property lines forming the corner.

4. No access shall be permitted onto boulevards.

5. Notwithstanding 9.10.4.4. where a parcel does not adjoin an avenue, street or crescent, the owner may make application to the municipality for permission to construct an access onto a boulevard.

6. Any two driveways connecting with a single highway shall be separated by an island area not less than 3.5 metres in width if the driveways are entering any street from a parking lot, off-street loading area, or service station and shall also apply on any driveways used or intended for use by public.

7. Any application made under 9.10.4.5. and denied, shall be subject to an appeal to the Council.

Culverts, Curbstops

8. No culverts shall be installed on any highway without first obtaining a permit from the Municipal Engineer which will indicate required culvert type, size and grades. Installation shall be in accordance with the District of Kitimat Engineering construction specifications and the permit. Illegal installations shall be subject to correction or removal at the owner's expense as determined by the Municipal Engineer.

Subdivision 4 - Location (Continued)

9.10.4.

9. Curbstops for water services are not to be paved over or covered with any material. When stops are illegally covered, they will be relocated at the property owner's expense as determined by the Municipal Engineer.

Projections

10. No part of any canopy or sign shall extend closer than one metre to the travelled portion of any street or lane.

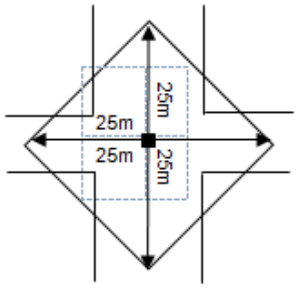
11. a. Unless expressly waived in writing by the Chief Administrative Officer the owner or occupier of the land applying for a permit for a suspended structure shall file with the District of Kitimat an insurance policy insuring against liability for bodily injury or property damage.

b. The insurance covering bodily injury shall be in an amount of not less than One Hundred Thousand Dollars ($100,000.00) each person, and Two Hundred Thousand Dollars ($200,000.00) each occurrence, and the property damage liability shall be an amount of not less than One Hundred Thousand Dollars ($100,000.00) each accident. The District of Kitimat shall be a named insured and the policy shall not be subject to cancellation except upon TEN (10) days notice to all insured. The form of policy shall be as approved by the Chief Administrative Officer.

12. As a condition to the granting of the application, the application shall execute an encroachment agreement in the form prescribed by the municipality.

Subdivision 5 - Line of Vision at Intersections

9.10.5. 1. There shall be no obstruction to the line of vision between 1.0 metres to 3.0 metres above the established grade of streets within an area bounded by the centre lines of intersecting or intercepting streets and a line joining a point on each of the centre lines 25 metres from their intersection, provided that signs erected by the District of Kitimat and utility poles shall not be considered obstructions for this purpose, as shown below.




Required Line of Vision at Intersections

Subdivision 6 - Ice and Snow Control

9.10.6. 1. For the purpose of this Subdivision, the following definitions shall apply:

"Highway" as defined in 3.1.1.1 "Street or Highway".

"Boulevard" as defined in 9.10.2.1.

"Other Public Space" as defined in 1.1.2.1. "Public Space", excluding "Boulevard".

2. The District of Kitimat, at the sole discretion of the Municipal Engineer or his designate, reserves the right to prohibit deposits of ice and snow removed from private property and accesses from being deposited onto any portion of any highway, boulevard, or any other public space, or into any roadside ditches or storm drainage system.

3. Should ice and snow that has been removed from private property and accesses be deposited onto any portion of any highway, boulevard, or any other public space, or into any roadside ditches or storm drainage system those persons depositing the snow and ice shall be responsible to restore, to the District's satisfaction, all damages to those areas caused by such deposits.

4. Persons depositing ice and snow onto a portion of any highway, boulevard, other public space, or roadside ditches or storm drainage system, shall remove all such deposits immediately upon the request of the Municipal Engineer or his designate, and restore to the satisfaction of the Municipal Engineer or his designate, all damages to those areas caused by such deposits.

5. Failure to remove the deposit of ice and snow from, and repair damages caused by such deposits, to any portion of any highway, boulevard, or any other public space, or into any roadside ditches or storm drainage system, upon receiving a request to do so from the Municipal Engineer or his designate, shall result in the District removing such deposits and repairing damages at the expense of those persons who deposit such ice and snow.

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PART 9 - PLANNING
Division 11 - Subdivision

Subdivision 1 - General

9.11.1. 1. Every subdivision shall:

a. be suited to the configuration of the land being subdivided;

b. be suited to the use to which it is intended;

c. be so arranged that the future subdivision of land within the proposed subdivision or within any adjacent land is not made impractical; and

d. be such that the proposed development is not at variance with any of the provisions of the Municipal Code.

2. Where the whole or any portion of the land being subdivided is subject to intermittent or periodic flooding, approval of the plan shall be withheld until appropriate steps are taken to prevent the occurrence of flooding.

3. The Approving Officer shall be supplied with one transparency on film of each registered plan within 30 days of registration in accordance with the BC Land Title Act.

4. Any subdivision application shall be accompanied by payment of the processing fee specified below

| | Subdivision Type/Size | Processing Fee |
|---|---|---|
| a. | Consolidating or altering lot lines without creating new parcel(s) | $ 50.00 |
| b. | Creating 1 - 5 parcels | $ 200.00 |
| c. | Creating 6 - 12 parcels | $ 400.00 |
| d. | Creating 13 - 25 parcels | $ 800.00 |
| e. | Creating 26 - 50 parcels | $1,600.00 |
| f. | Creating more than 50 parcels | $3,200.00 |

Subdivision 1 - General (Continued)

9.11.1. 5. All works and services required to be constructed and installed at the expense of the owner of land proposed to be subdivided shall be constructed and installed to standards prescribed in the Municipal Code prior to the approval of the subdivision by the Approving Officer, unless:

a. the owner of the land deposits with the municipality a bond in the form and for the amount satisfactory to the Approving Officer having regard for the cost of installing and paying for all works and services required pursuant to the Municipal Code; and

b. the owner of the land enters into an agreement with the municipality to construct and install the prescribed works and services by specified date or forfeit the amount secured by the bond to the municipality.

6. The District of Kitimat will not accept the works and services or any part of the work required to be completed by the owner until:

a. the works have been certified by a Professional Engineer to have been completed and constructed in accordance with the Municipal Code, and the municipal specifications and according to good engineering practices;

b. the owner has deposited with the District one set of reproducible drawings showing the works as actually constructed, certified as correct by a Professional Engineer;

c. the Municipal Engineer has received the certification specified in 9.11.1.6.a. and is satisfied that the certification covers all of the works required to be constructed and installed;

d. the owner of the land deposits with the municipality a bond in the amount of 5% of the cost of construction of the said works and services and in a form satisfactory to the Approving Officer to expire not earlier than one year after all the requirements of 9.11.1.6.a., 9.11.1.6.b., and 9.11.1.6.c., have been met; and

Subdivision 1 - General (Continued)

9.11.1 . 6. e. the owner of the land enters into an agreement with the municipality to maintain and repair the prescribed works and services to the satisfaction of the Municipal Engineer for a period of one year as described in 9.11.1.6.d. above or forfeit all or part of the amount secured by the said bond to the municipality.

Subdivision 2 - Lot Subdivision

9.11.2. 1. Every lot shall abut a street unless special circumstances justify other means of access under the BC Land Title Act.

2. Side lot lines of residential lots shall be at right angles or radial to street lines unless extenuating circumstances warrant a minor variance from such a right angle or radial intersection.

Subdivision 3 - Highways and Pedestrian Malls

9.11.3. Layout

1. Local access highway shall be laid out in such a way as to discourage use by through traffic.

2. Major arterial highways in residential areas shall be located at the periphery of neighbourhoods.

3. Within any subdivision, any lot which is adjacent a Limited Access Highway on the Municipal Road Designation Map shall be served by a Local Access Highway.

4. Proposed highways shall extend to the boundaries of the subdivision. This provision may be waived, if it can be shown that access to land beyond this subdivision will not be required due to topography.

5. Wherever a dead-end highway is carried to the boundary line of a subdivision, a temporary turn-around with a minimum right-of-way dimension of 30 metres diameter shall be provided by a right-of-way registered in the Land Registry Office in favour of the municipality or by dedication.

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Subdivision 3 - Highways and Pedestrian Malls (Continued)

9.11.3 6. As a condition of approval of any subdivision plan by the Approving Officer, the developer shall provide for the clearing, grading, draining, paving and improving of highways, lanes, walkways, pedestrian malls and parking lots to at least the standards prescribed in this Code.

Clearing of Highways, Lanes, Walkways, Pedestrian Malls and Parking Lots

7. All highways, lanes, walkways, pedestrian malls and parking lots shall be cleared to the full extent of their rights-of-way as follows:

a. as applied to any right-of-way, "clearing" shall mean complete removal of all trees, bush, logs, decaying timber, or any artificial structures or obstructions which shall be burned up clean, or otherwise removed. Any standing timber which may, after falling, be outside or partly outside the said right-of-way shall be wholly destroyed or removed as aforesaid. Clearing of the whole right-of-way must be completed before any grading is done;

b. as applied to any right-of-way intended for a driving surface or the location of any shoulder, sidewalk, drainage ditch or utility, clearing shall meet all the requirements of 9.11.3.7.a. and in addition, the complete removal of all stumps, roots, vegetable matter and like material up to a depth of at least .6 metres below finished grade. Both clearing and grubbing of all these parts of the road right-of-way must be completed before any grading is done.

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Subdivision 3 - Highways and Pedestrian Malls (Continued)

9.11.3. 8. Highways, walkways, pedestrian malls and parking lots shall comply with the following requirements:

| Highway Type | Right-of-Way (Minimum) | Radii of Curvature* (Minimum) | Visibility* (Minimum) | Grade | |
|---|---|---|---|---|---|
| | | | | Maximum | Minimum |
| Major Arterial (incl. periphery boulevards) | 40 metres | 150 metres | 180 metres | 7% | 0.5% |
| Major Industrial | 30 metres | 150 metres | 180 metres | 7% | 0.5% |
| Major Collectors (including minor Service Centre Collectors and Residential Avenues) | 25 metres | 60 metres | 60 metres | 7% | 0.5% |
| Minor Collector (including minor Service Centre Collector and Residential Avenue) | 20 metres | 60 metres | 60 metres | 7% | 0.5% |
| Local Residential (loop street, cul-de-sac and crescent) | 18.7 metres | 25 metres | 30 metres | 7% | 0.5% |
| Lane | 8 metres | 25 metres | 30 metres | 7% | 0.5% |
| Walkway | 6 metres | | | 10% | 0.5% |
| Pedestrian Mall | | | | 5% | 0.5% |
| Parking Lot | | | | 3% | 0.5% |

* Radii of curvature shall be measured at the centre line.
** Visibility shall be measured between .75 metres and 3 metres above centre line.

Subdivision 3 - Highways and Pedestrian Malls (Continued)

9.11.3. Highways

9. All highways shall, at no expense to the municipality, be cleared as required in 9.11.3.7.

10. All highways shall be graded and laid with a gravel base in accordance with Section B of Municipal Specifications, February 1972, as amended from time to time. Except in the case of major arterial highways, this shall be done at no expense to the municipality.

11. All highways shall be constructed to final grade and improved by the construction of pavement, curbs, gutters, and installation of street lighting in accordance with Sections C and E of Municipal Specifications, February 1972, as amended from time to time, except in the case of major arterial highways, this work shall be done at no expense to the municipality.

12. Notwithstanding anything contained in 9.11.3.11., rural-type road cross sections with gravel pavement and ditch drainage shall be permitted in M1, M2-B and M3 zones.

13. Road carriageways shall be designed and built at intersections to provide a minimum radius of curvature of 7.5 metres.

14. All changes in highway grades shall be connected by vertical curves of proper design in accordance with the latest edition of "A Policy on Arterial Highways in Urban Areas" by the American Association of State Highway Officials.

15. The Approving Officer, where necessary, shall ensure that highway rights-of-way are wide enough to contain all areas of associated "cut and fill".

16. Highways shall be designed so that tangents connect all curves. Reverse curves in highway alignment shall be separated by tangents at least 30 metres long.

17. Each highway intersection shall be as near to a right angle as is practicable but no highways shall intersect at an angle less than 70°.

Subdivision 3 - Highways and Pedestrian Malls (Continued)

9.11.3.

18. All highways shall be provided with a storm sewer system satisfactory to the Approving Officer who may require the installation of storm sewer pipes. Except in the case of major arterial highways, all highway storm sewer systems, whether surface drainage or piped drainage, shall be constructed at no expense to the municipality.

Road Naming: See Part 3, Division 9

Lanes

19. Lanes are permitted in areas zoned M2, M2-A and M2-B only.

20. All lanes shall be cleared and provided with a gravel base in accordance with Section B of Municipal Specifications, February 1972, as amended from time to time, at no expense to the municipality.

21. All lanes shall be brought from gravel base to final grade in accordance with Section C of Municipal Specifications, February 1972, as amended from time to time, at no expense to the municipality.

22. All lanes shall be improved by installation of street lighting in accordance with Section E of Municipal Specifications, February 1972, as amended from time to time, at no expense to the municipality.

23. All lanes shall be provided with a storm drainage system satisfactory to the Approving Officer who may require the installation of storm sewer pipes. All storm sewer systems on lanes whether surface drainage or piped drainage, shall be constructed at no expense to the municipality.

24. Inside corners of lanes shall be cut off not less than 5 metres measured each way from the corner except where such corners intersect with a street.

25. Intersections of lanes with streets shall be at right angles.

26. Dead end lanes are not permitted.

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Subdivision 3 - Highways and Pedestrian Malls (Continued)

9.11.3. Walkways, Pedestrian Malls and Parking Lots

27. Except as provided in 8.1.5.3. to 8.1.5.5. all the area under pedestrian traffic in pedestrian malls and all the area under parking lots shall be cleared, brought to final grade, provided with a storm sewer system, street lighting system and paved in accordance with Sections A, B, C, and E of Municipal Specifications, February 1972, as amended from time to time, at no expense to the municipality.

28. Inside corners of walkway intersections shall be cut off not less than 5 metres measured each way from the corner, except where such corners represent an intersection with a street, in order to allow for the turning of snow clearing and other equipment.

29. Steps in walkways are prohibited.

Subdivision 4 - Drainage and Grading

9.11.4. 1. Throughout any subdivision, there shall be provided a storm drainage system which will cause all storm water from the property to drain into the municipal storm sewage disposal system. The storm sewer system provided shall be in accordance with Section A of Municipal Specifications, February 1972, as amended from time to time. Except in the case of major arterial roads, the work required by this Subdivision shall be performed at no expense to the municipality.

2. Block and lot grading shall conform to Part 13 of the Kitimat Municipal Code.

Subdivision 4 - Drainage and Grading (Continued)

9.11.4. 3. Prior to approval of any subdivision plan by the Approving Officer:

a. a block and lot grading plan shall be submitted which clearly indicates:

(1) the existing contours and spot elevations; and

(2) the proposed final contours and spot elevations;

as may be required to determine drainage of land to the satisfaction of the Approving Officer.

4. All land within the boundaries of the proposed subdivision shall be graded in conformance to 9.11.4.3.a.(2) to the satisfaction of the Approving Officer.

Subdivision 5 - Sanitary Sewage Disposal

9.11.5. 1. As a condition of approval of any subdivision plan by the Approving Officer, except as provided in Part 13 of the Kitimat Municipal Code, all areas shall be provided with a sanitary sewage collection system, designed and constructed in accordance with Section D of Municipal Specifications, February 1972, as amended from time to time.

2. Provision shall be made for the connection of any sanitary sewage collection system required under 9.11.5.1. with the established municipal collection system, in accordance with Section D of Municipal Specifications, February 1972, as amended from time to time.

Subdivision 6 - Water Supply

9.11.6. 1. All areas within a subdivision, which in the opinion of Council merit connection to the public waterworks system, shall be provided with a complete and fully operative system of water mains, valves, valve chambers and hydrants designed and constructed in accordance with Section D of Municipal Specifications, February 1972, as amended from time to time.

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Subdivision 7 - Street Lighting, Power and Communication Services

9.11.7. 1. All power and communication services shall conform to Part 6, Division 1.

2. As a condition of approval, street lighting shall be installed on all highways, lanes, pedestrian malls and walkways in accordance with Section E of Municipal Specifications, February 1972, as amended from time to time.

Subdivision 8 - Land Improvements for Subdivision

9.11.8. 1. The Approving Officer may approve a subdivision only after all of the following have been completed.

a. the clearing of any highway, lane, parking lot, pedestrian mall or walkway in accordance with 9.11.3.7.;

b. providing a base for any highway, lane, parking lot, pedestrian mall or walkway in accordance with Section B of Municipal Specifications, February 1972, as amended from time to time;

c. providing water supply, sanitary and storm sewer systems in accordance with Sections A and D of Municipal Specifications, February 1972, as amended from time to time;

d. installing of any of the power and communication services in accordance with Part 6, Division 1;

e. bringing to final grade any highway or lane by paving and supplying with curbs and gutters in accordance with Section C of Municipal Specifications, February 1972, as amended from time to time;

f. bringing to final grade any parking lot, pedestrian mall or walkway by paving in accordance with Section C of Municipal Specifications, February 1972, as amended from time to time;

g. providing street lighting system for any highway, lane, pedestrian mall or walkway in accordance with Section E of Municipal Specifications, February 1972, as amended from time to time.

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Subdivision 8 - Land Improvements for Subdivision (Continued)

9.11.8. 2. Notwithstanding 9.11.8.1., the Approving Officer may approve the subdivision if the following arrangements are made to complete any or all of the work included in the said section within a period of time specified by the Approving Officer:

a. the developer registers a mortgage against the property in Land Title Office in favour of the municipality;

b. the value of the mortgage shall be determined by the municipality and shall be sufficient to complete the work.

Subdivision 9 - Rights-of-Way

9.11.9. 1. If the most suitable and reasonable locations for sewers, storm drains and drainage facilities, water and other utilities required to serve the proposed subdivision do not lie wholly within its boundaries, the Approving Officer may require that rights-of-way be provided for the location of such utilities outside the subdivision. Such requirements may be satisfied by the provision of rights-of-way properly registered in the Land Title Office, in favour of the municipality. The width of any right-of-way so provided shall be no less than 7 metres except that in case of residential lots, the minimum width may be 3.5 metres.

2. Where a subdivision contains a drainage way, gully, channel, stream, or other watercourse, the banks of which exceed the slope of four horizontal to one vertical the following alternatives shall be taken:

Subdivision 9 - Rights-of-Way (Continued)

9.11.9. 2. a. a strip of land running the full length of that part of the slope which lies within the subdivision shall be conveyed to the municipality, such strip being adequate to reduce the banks to a slope not exceeding four horizontal to one vertical but no less than 8 metres in width as measured between the top of the slope and a line running parallel to the top of the slope; or

b. at no expense to the municipality, the slope shall be reduced by filling or cutting to a degree which does not exceed a slope of four horizontal to one vertical.

3. Prior to conveyance to the municipality of any area containing any drainage way, gully, channel, stream or other watercourse, such area shall be cleared of all trees, brush, logs, decaying timber or debris of any other kind.

4. If an area to be subdivided contains any natural watercourse which crosses a proposed new highway, provision shall be made for the crossing of such watercourse. Any culvert, bridge, or other means of crossing required by this Subdivision shall be constructed at no expense to the municipality.

5. Where by reason of the creation of any subdivision, the necessity arises for public street access across a railway right-of-way, an order of the Railway Transport Committee of the Canadian Transport Commission shall be obtained at no expense to the municipality other than making formal application, declaring such crossing of the railway right-of-way to be a public crossing. The land developer shall provide the municipality with necessary surveys, plans and documents to accompany the formal application and shall bear any other costs that may be incurred.

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PART 9 - PLANNING
Division 12 - Environmental Control

Subdivision 1 - Noise

9.12.1. Interpretation

1. In this Subdivision:

"Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitations or wind power;

"Point of Reception" means any point on the property of a person where sound or vibration originating from other than those premises is received;

"Residential Area" means areas of the municipality within a Residential or G3 or G3-A or G3-B or G3-C zone unless otherwise specified.

Prohibited Acts

2. The acts listed below are hereby declared, in the opinion of Kitimat Council, to result in sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

a. race a motorized conveyance except in a legally regulated racing event;

b. operate a motor vehicle in such a way that the tires squeal or the engine races;

c. operate a combustion engine, pneumatic device, motor vehicle, or construction equipment in a residential area unless it is equipped with effective muffling devices which are in good working order and in constant operation;

d. operate a motorized conveyance on other than a driveway, road or parking lot.

No person shall commit or cause or permit the commission of any of the acts listed above.

Subdivision 1 - Noise (Continued)

Prohibition by Time and Place

9.12.1. 3. No person shall commit or cause or permit the commission of an act listed below in Column A, during the times listed in Column B in the locations listed in Column C should it result in the emission of sound which is clearly audible at a point of reception.

| Prohibition | Prohibited Time | Prohibited Place |
|---|---|---|
| Column A | Column B | Column C |
| Persistent, repeated or regular barking, calling or whining or other similar persistent sound made by a domestic pet or other animal on a property. | At all times | Residential Area excluding G3, G3-A, G3-B and G3-C zone land where agriculture is a permitted accessory use |
| The playing of a musical instrument or the operation of a device or group of connected devices used for the production, reproduction or amplification of sound. | At all times | Residential Area |
| The persistent or repeated or regular operation of an auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the reproduction or amplification of any similar sound; except where required or authorized by law or in accordance with good safety practices. | At all times | Residential Area |
| The persistent or repeated or regular operation of a toy, model or replica used as an amusement and which is not a conveyance. | At all times | Residential Area |

Subdivision 1 - Noise (Continued)

| Prohibition | Prohibited Time | Prohibited Place |
|---|---|---|
| Yelling, shouting, hooting, whistling. | 1900 one day to 700 next day | Residential Area |
| The operation of any tool, household appliance, motor, or other device except those used for snow removal or cutting grass. | 1900 one day to 700 next day except during June, July and August when the prohibited time changes to 2100 one day to 700 next day | Residential Area |
| The operation of a lawn mower that is, where appropriate, equipped with effective muffling devices which are in good working order and in constant operation. | 2100 one day to 700 next day all year | Residential Area |
| Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials or refuse unless necessary for the maintenance of essential services or the moving of private household effects. | 1900 one day to 700 next day all year | Residential Area |
| The operation of construction, maintenance or other equipment except when used for snow removal or the maintenance of essential services. | 1900 one day to 700 next day except during June, July and August when the prohibited time changes to 2100 one day to 700 next day | Residential Area |

PART 9 - PLANNING
Division 12 - Environmental Control

Subdivision 1 - Noise (Continued)

9.12.1. Exceptions

4. In the opinion of Council the emission of sound in connection with the following are not objectionable and are excluded from the applicable prohibitions, regulations and penalties:

a. emergency measures taken for the immediate health, safety or welfare of the inhabitants, or for the preservation or restoration of property unless such sound or vibration is clearly of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose;

b. sounds associated with traditional festive and religious activities; and sanctioned community events and celebrations, unless such sound is clearly of a longer duration or of a nature more disturbing than reasonably necessary for the event.

c. any activities directed or approved to be performed by the Municipal Engineer, subject to any specified operation, noise or timing restrictions."

Subdivision 2 - Nuisances

9.12.2. Interpretation

1. In this Subdivision:

"Municipal Official" means an Officer of the Municipality, Municipal Bylaw Enforcement Officer or any person appointed to administer the Kitimat Municipal Code.

"Premises" means real property consisting of land only or land and improvements, and means a portion of real property occupied separately by the owner or an occupier.

Prohibitions

2. No Owner or Occupier of Premises shall cause or permit water, rubbish, or noxious, offensive or unwholesome matter to collect or accumulate around their premises.

Subdivision 2 - Nuisances (Continued)

9.12.2. 3. No person shall deposit or throw bottles, broken glass or other rubbish in any open place.

4. No Owner or Occupier of real property shall allow such property to become or to remain unsightly.

5. No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.

6. No Owner or Occupier of a Premises shall cause or permit smoke or offensive odours from a Fire Pit to pass over or collect on another Premises such that it interferes with the quiet use and enjoyment of that other Premises.

Requirements

7. Owners or Occupiers of real property or their agents shall keep their property clear of brush and noxious weeds.

8. Owners or Occupiers of real property or their agents shall prevent infestation of it by caterpillars and other noxious or destructive insects and shall clear the property of caterpillars and other noxious or destructive insects.

9. Owners or Occupiers of real property or their agents shall remove from it any unsightly accumulations of filth, discarded materials, rubbish or graffiti.

10. Owners or Occupiers of real property shall prevent motor vehicles which are not licensed for the current or immediately preceding year under the Motor Vehicle Act from being parked on any registered lot in any residential zone except in an enclosed building.

Inspection

11. Municipal Officials are hereby authorized to enter upon any lands and premises in the municipality at all reasonable times to ascertain whether the provisions of the Code are being observed.

Subdivision 2 - Nuisances (Continued)

9.12.2. 12. Where a Municipal Official observes that real property does not comply with the Code, the Municipal Official may notify the Owner or Occupier of the real property to comply within a stated time period.

Remedial

13. If the Owner or Occupier of real property fails to comply with a direction to remove from the real property any unsightly accumulations of filth, discarded materials or vehicles, rubbish or graffiti, or clearing the property of brush, or noxious weeds, or clearing the property of infestation of caterpillars and other noxious or destructive insects, the municipality, by its employees and others, may enter and effect the removal or clearance at the expense of the Owner or Occupier who fails to comply, and the charges for doing so, if unpaid on December 31st in any year, shall be added to and form part of the taxes payable on that real property as taxes in arrear.

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PART 9 - PLANNING
Division 13 - Manufactured Home Park Regulations

Subdivision 1 - General

9.13.1. Administration

1. The Building Inspector or such other person appointed by the Council shall administer the regulations in this Division.

2. Persons appointed under 9.13.1.1. may enter any manufactured home park at any reasonable time for the purpose of administering or enforcing the regulations in this Division.

3. Subject to all other provisions, manufactured home Parks shall conform to the regulations of this Division.

Prohibitions

4. No person shall:

   a. establish, alter, subdivide or operate a manufactured home park; or

   b. allow a manufactured home park to be located or to remain in a manufactured home park;

   in contravention of this bylaw.

Exclusion

5. Subject to 9.13.1.6., the provisions of this Division do not apply to a manufactured home park or any part of a manufactured home park existing prior to coming into force of the bylaw.

6. Any expansion and upgrading of a manufactured home park shall meet Bylaw provisions.

7. Manufactured home parks shall, except as provided in this Code, be subject to all the provisions including any amendments from time to time, under the Health Act of the Province of British Columbia.

8. Notwithstanding 9.13.1.7., the following provisions of the "Manufactured Home Parks Regulations, 1967" shall not apply:

   a. Section 6.03 or Division (6);
   b. Division (7).

Subdivision 2 - Development and Occupancy

9.13.2. Occupancy

1. No manufactured home shall be occupied by more than one family.

2. No manufactured home park operator shall permit manufactured homes in a manufactured home park unless holding a valid occupancy permit from the Building Inspector.

3. No manufactured home park shall be occupied by manufactured homes greater in number than the number of manufactured home spaces in the occupancy permit.

4. The manufactured home park owner shall give a copy of Part 9, Division 13 of the Kitimat Municipal Code, to every person renting a manufactured home space in the park and shall also include these provisions in the tenancy agreement.

Accessory Buildings and Structures

5. No accessory building or structure shall obstruct in whole or in part an existing opening in the manufactured home.

Residential Density

6. There shall be no more than 20 manufactured homes per hectare in any manufactured home park.

Open Space

7. Open space for outdoor recreation shall be provided and such open space shall be subject to the following regulations:

   a. no space in the buffer zone required by 9.13.2.8. shall be considered as open space required by 9.13.2.7.;

   b. the minimum open space area shall be 280 m² and this shall increase by 50 m² for each manufactured home space above 10;

Subdivision 2 - Development and Occupancy (Continued)

9.13.2.

c. the open space shall be located so that it can conveniently be used by the residents of the park;

d. the total open space requirements may be divided into parcels, each of which shall be no less than 280 $m^2$ in area;

e. no buildings or structures other than those required for recreational needs of the residents of a manufactured home park shall be permitted within the open space required by this Subdivision.

Buffer Zone

8. There shall be a yard space of not less than 7.5 metres on all site boundaries of any manufactured home park other than the boundaries on streets where the yard space shall be no less than 4.5 metres.

Siting of Manufactured homes

9. Each manufactured home shall be so sited that there is a minimum distance of:

a. 6 metres between any two manufactured homes including their accessory buildings;

b. 7.5 metres between any manufactured home including its accessory building(s) and any building other than a manufactured home.

Survey Monuments

10. Each manufactured home park shall have permanently installed reference marks such as concrete survey monuments at distances of not more than 90 metres on both sides of service roads.

Penalties and Enforcement: see Part 1, Division 2.

PART 10 - FINANCE
Division 1 - Miscellaneous Charges

Subdivision 1 - Minutes of Proceedings

10.1.1. 1. The charge for Copies of the Minutes of the proceedings of Council shall be TWENTY-FIVE (25¢) cents per page.

Subdivision 2 - Bylaws

10.1.2. 1. The charge for copies of bylaws shall be TWENTY-FIVE (25¢) cents per page.

Subdivision 3 - Statement of Taxes Outstanding

10.1.3. 1. The charge for providing Statement of Taxes Outstanding to a person other than the owner, shall be FIVE (5) dollars per certificate.

Subdivision 4 – Police Information Checks

10.1.4. 1. The charge for a Police Information Checks and Taxi Permits shall be $20.00.

2. The charge for fingerprinting shall be $25.00.

3. Notwithstanding 10.1.4.1 and 10.1.4.2 there shall be no charge for a Police Information Check obtained to allow a person to undertake volunteer activities with a letter from the organization or business.

Subdivision 5 - Accident/Crime Scene/Investigation/Mechanical Inspection requests for Disclosure

10.1.5. 1. Charges for Disclosure requests shall be as follows (anything more than MV6020 Form):

Small file flat fee (5 cm of documentation): $50.00
Large file flat fee (more than 5 cm of documentation): $200.00

Subdivision 6 - Shipping Charges - RCMP Services

10.1.6. 1. Postage and shipping shall be charged at actual cost.

Subdivision 7 – Liquor Licensing Application Fee

10.1.7. 1. Application fees for new or permanent amendment licenses where intends on providing comment:

| TYPE OF APPLICATION | PROCESSING FEE | ADVERTISING FEE | TOTAL FEE |
|---|---|---|---|
| Liquor Licence | $500.00 | $250.00 | $750.00 |
| Cannabis License | $500.00 | $250.00 | $750.00 |

PART 11 - LEISURE SERVICES
Division 1 - Leisure Services Fees and Charges

Subdivision 1 – Leisure Services Fees and Charges

11.1.1 1. The Leisure Services Fees and Charges Schedule is as per Attachment A

4.2.4

LSAC VERBAL DISCUSSION: 21 January 2025
LSAC 1st READING: 13 May 2025
LSAC RECOMMENDATION TO COUNCIL: 23 June 2025
BYLAW PASSED: 21 July 2025

# DISTRICT OF KITIMAT
# LEISURE SERVICES DEPARTMENT

## September 2025/2026 Fee Schedule

Prices to take effect September 1, 2025.
GST included in fees.

Leisure Services…Enriches the quality of life.
Mentally and physically!

On direction from the Leisure Services Advisory Commission, rounding of fees is to be to the nearest .05 or .10 when applicable to facilitate divisibility for computer calculation of tax; the lower fee vs. higher fee is to be used at the mid-point.

# TABLE OF CONTENTS

Page

**Leisure Services Advisory Commission Mission Statement and Objectives** ..... 1

**District of Kitimat Statement of Objectives** ..... 2

**Leisure Services Fee Policies** ..... 3 - 7
- Age Categories
- GST
- Program Fees
- Prime / Non-Prime Time
- Admission Fees
- Meeting Rooms
- Children 6 Years and Under
- Reduced Fee for Rental of Leisure Services Facilities
- Tournament Bookings
- Community Development Centre Family Swim
- Scuba Diving Lessons
- Scuba Equipment during Public Swim
- Statutory Holiday Facility Rental for Exclusive Use
- School District / Kitamaat Village / Leisure Services Department Reciprocal Use Agreement

**Public Admission Fees – Schedule A** ..... 8
- Regular Fees including Court Fees.

**Riverlodge Recreation Centre – Schedule B** ..... 9 - 11
- Arts Wing/Pottery Fees
- Kiln Firing
- Room Rental Rates
- Martial Arts Fees

**Sam Lindsay Aquatic Centre – Schedule C** ..... 12-13
- Pool Rental Rates
- Sauna and Whirlpool
- Pool Rental Rates for Non-Residents

**Tamitik Arena / Kitimat Ice Rink – Schedule D** ..... 14 - 16
- Ice Rental Rates (Adult/Youth)
- Ice Rental Rates for Non-Residents
- High Performance Athlete Program Ice Time
- Special Events, Ice Shows
- Net Pegging
- Summer Rental Rates - Non-Ice Activities
- Shows / Concerts.
- Senior, Intermediate, or Junior Hockey
- Tamitik Room Rental Rates

**Miscellaneous – Schedule E** ..... 17 - 22
- Advertising
- Equipment Rentals
- Corporate Fitness Program
- Park Campground Fees
- Skate Sharpening Fees
- Field User Fees
- Climbing Wall

# Leisure Services Advisory Commission

## Mission Statement

The Leisure Services Advisory Commission contributes to the vibrancy of the community by advocating on behalf of Kitimat residents and advising and educating Council about the trends and issues related to parks and recreation. They advocate that Leisure Services is treated as an essential service to residents of and visitors to Kitimat in an effort to enhance the quality of life, promote social and health well being and create a thriving vibrant community.

## Vision Statement

The Leisure Services Advisory Commission believes and shares the vision that Kitimat is a community where residents should enjoy an enhanced quality of life through participation in indoor and nature-based recreation through engagement and the enjoyment of nature. The Commission feels that *every* person, should have the opportunity to be active, healthy, and socially connected across their lifespan.

## Values

- We steadfastly believe that parks and recreation are essential to the well-being of the residents of Kitimat.
- We are guided by the belief that our programs, policies and practices must be equitable, inclusive, and accessible (physically and economically) to all residents of Kitimat.
- We strive to contribute to an enhanced quality of life for all residents. In this regard, our decisions are guided by a desire to attract and retain residents to our programs, spaces and places by offering a variety of activities in a variety of well-maintained settings that meet the varying needs of our residents (e.g., indoor multi-use facilities, outdoor programs such as kayaks, canoes).
- We respect and celebrate the diversity of our community, including our multi-cultural character and our composition of permanent and temporary residents.
- We actively seek the community's participation in planning programs and use of facilities.
- In the act of advising about activities, we will take into consideration the existing facilities, equipment, environment, and people (staff and volunteers).
- We acknowledge that fiscal responsibility must be a balance of supporting the costs of operations with the need for affordability of our services.
- We respect the environment and our vast natural resources. We advocate for environmental sustainability of all programs, practices and policies.
- We are committed to promoting year-round access to both indoor and outdoor recreational pursuits.
- We seek to create partnerships and foster collaboration, while also recognizing the need to be proactive.

February 2022

# DISTRICT OF KITIMAT STATEMENT OF OBJECTIVES

Mayor and Council February 2022

1. To provide basic and affordable leisure services to anyone desiring programs or the use of facilities.

2.To recognize that individuals and groups have varying backgrounds (age, income, ability) and to encourage broad participation in recreation and leisure pursuits, it is recognized that there are a wide variety of different leisure needs. Services will, therefore, align with the changing needs of the community.

3.To encourage broad participation in recreation and leisure pursuits in all its forms that promote both physical and mental well-being, as well as to provide and promote year round access to both indoor and outdoor recreation pursuits.

4.Competition with the private sector will be avoided, except where the private sector chooses to offer what is considered to be a basic leisure service.

5.The cost of administering the collection of revenue shall not be disproportionate to the revenue which accrues or the advantage gained.

6.To provide programs and services for the sake of contributing to the greater good of individuals and community quality of life that may, as a result, not prioritize or seek revenue generation (e.g., lost leader programs)

7.In order to allow the fullest and most economical use of the District of Kitimat's facilities, no group or individual shall be given exclusive rental of any room or facility for an extended period of time.

8.To continuously evaluate programs, practices, services, policies, and facility use to maintain quality and ensure the needs of the community are being met.

9.To ensure a continuity of programming that meets the needs of the community by establishing partnerships with other community recreation providers as needed.

10.To plan and implement programs, policies and practices that are equitable, inclusive, and accessible to all residents of Kitimat.

11.Out of respect for the environment and our vast natural resources, ensure that all programs, services, and policies reflect environmental practices, and sustainability.

12.To ensure well-maintained spaces and places that all leisure (indoor and outdoor) are maintained to high measurable standard.

Passed by Council 22 February 2022
Motion: R22-061

# Leisure Services Department

## FEE POLICIES

1. It is recognized that at least some of the cost involved to deliver leisure services should be recovered by means of a user fee or charge, and that the user fees and charges should be reviewed annually and be effective 1 September to 31 August of the following year.

   On 26 February 2018 Council agreed that the objective for fee recovery percentage on revenue generating facilities and staff related to those facilities will be between 17% and 22% of projected facility and related staff expenses, excluding major expenditures. This percentage range will be reviewed every 5 years or when significant change takes place within the economy.

2. **Age Categories**

   It is recognized that there should be different rates based on the age of the participants and the following age categories have been established:

   a) Pre-schoolers 4 years of age and younger
   b) Children 5 to 14 years of age inclusive
   c) Students 15 to 18 years of age inclusive
   d) Adults 19 years of age and older
   e) Senior Citizens 60 years of age and older

3. It is recommended that admission fees should be standardized in all facilities where applicable.

4. **Goods and Services Tax** - GST is included where applicable.

5. **The program fees** (excludes admission to public programs) are based on the cost to provide a program, including a charge for facility and administration overhead costs. However, based on the present policy, program costs outlined above are subsidized as follows:

   a) Pre-schoolers up to 50%
   b) Children up to 50%
   c) Students up to 25%
   d) Adults none
   e) Senior Citizens up to 50%

5.1 Public Program Admission Ratios:

That the goal be to maintain the following ratio for public programs:

- Children/Seniors be a maximum of 40% of adult fees.
- Students be a maximum of 60% of adult fees.
- Economy tickets be 80% of regular price (current policy)
- Membership be 30% of regular admission (current policy)

5.2 Facility Rental Ratio Goal:

That the goal be to maintain the following ratio for facility rentals:

- Child / senior be a minimum of 40% of adult.
- Student be a minimum of 60% of adult.

6. **Prime time and non-prime time** have been standardized for pool and ice facilities where applicable and are defined as:

   a) Prime Time Monday to Friday 6pm to 12 midnight
      Saturday to Sunday 8am to 12 midnight
      Statutory Holidays 8am to 12 midnight

# FEE POLICIES continued…

| | | |
|---|---|---|
| b) | Non-Prime Time | All other times |
| c) | Special | School Days, 8am to 3pm (50% of Prime Time) |
| d) | Spring/Fall - Youth Ice | All ice fees at prime ice rate |
| e) | Spring - Adult Ice | See page 14 |
| f) | NID Days - Youth Ice | 8am to 3pm, see rate (must have a parent in attendance as supervisor) |
| g) | NID School Day Special – Youth Ice | See page 14 |
| h) | High Performance Athlete Program – Ice Time | See page 15 |

7. **Admission Fees**
   a) To be standard in all leisure services facilities, for recreation sponsored public sessions.
   b) Those fees consist of single fees, economy tickets (booklets) and memberships (passes).
   c) Active members of Canadian Armed Forces receive the seniors' rate for admission fees and memberships upon showing of valid and current Canadian Armed Forces identification card.

8. **Meeting Rooms - Guidelines**
   a) Rental rates are hourly unless otherwise noted in the fee schedule.
   b) No charge is levied for normal equipment used in conjunction with room rentals or programs.
   c) Volunteer youth groups who meet the criteria set out in the Fee Policies, item 10, shall be allowed the following providing the meeting rooms are available:
      i. One annual general meeting in the Riverlodge activity room or Tamitik meeting room free of charge.
      ii. Monthly executive meetings at a reduced cost of $18.90 per meeting in a Riverlodge meeting room or a Tamitik meeting room.
      iii. New leisure time activity groups wishing to hold public meetings to form a leisure service activity in our community are allowed four organizational meetings free of charge, when rooms are available.

9. **Minors Accessing Leisure Services Facilities**

   ACCESS TO THE LEISURE SERVICES FACILITIES FOR MINORS **MUST** ADHERE TO THE FACILITY ACCESS STANDARD OPERATING PROCEDURE

10. Whenever groups requesting a **reduced fee for rental of leisure services facilities** have part of their participants under 18 years of age and part over 18 years of age, that the reduced rate be granted when the 18 and under participants represents a minimum of 80% of the participating groups.

11. **Tournament Bookings**

    In booking of tournaments held in the leisure services facilities, a social room will be supplied, if available, at no additional cost, in the facility the tournament is being held. The social room is for the convenience of participants during the tournament hours only.

    (Please note that the intent of this does not include the use of Joanne Monaghan Community Room for evening dance socials - this would mean the Activity Room to socialize in while the event takes place.)

# FEE POLICIES continued…

12. **Community Development Centre Family Swim**

    The Community Development Centre is permitted one 1-hour swim per week at a convenient time for pool operations and normal admission fees are charged. This program can be incorporated with a Sunday Fun Swim.

13. **Scuba Diving Lessons - Private Sector**

    The private sector is permitted to teach scuba lessons during public swims, providing qualified PADI Instructors are present and supply the District of Kitimat with a photocopy of liability insurance with a minimum of $2 000 000.

14. **Scuba Equipment during Public Swim**

    Individuals are permitted to use their scuba equipment during specific public swims providing a current qualification certificate is produced prior to the swim.

15. **Statutory Holiday Facility Rental for Exclusive Use**

    **Ice Rental**
    Prime time rate applies for up to the first 6-hour block of facility rented on a statutory holiday. Beyond the 6 hours block the following charges apply: Prime time rate + all regular employee statutory holiday charges + an additional 30%.

    **Pool Rental**
    Charges for facility rental are as follows: Prime time rate + all regular employee statutory holiday charges + an additional 30%.

16. **Coast Mountain School District No. 82 Kitimat / Kitamaat Village / Leisure Services Department Reciprocal Use Agreement**

    The District of Kitimat and Coast Mountain School District No. 82 in Kitimat / Kitamaat Village have participated in a reciprocal use program. The agreement is:

    a) Coast Mountains School District No. 82 in Kitimat / Kitamaat Village has use of the leisure services facilities during school days between 8:30am and 4pm at no charge, and if additional costs are incurred, they are charged to them. The exception is swimming, where the District of Kitimat will provide the first lifeguard free of charge (District of Kitimat Policy and Procedures Manual).

    b) The District of Kitimat Leisure Services Department has use of School District facilities at no charge (apart from Mount Elizabeth Theatre) after 5pm on school days, with direct costs incurred on weekends.

    c) In addition, it has been agreed that Mount Elizabeth Middle Secondary School has the use of Tamitik Arena for graduation ceremonies in exchange for two free uses of Mount Elizabeth Theatre.

    **Dry Grad/Graduation Ceremonies:**

    - Dry Grad and Grad Banquet Committees each year by October 15th must contact the Leisure Services Department, Administrative Coordinator at Riverlodge (250-632-8970) to provide a contact list for the committee and set up a meeting to go over bookings and contract for the Dry Grad activities and banquet.
    - Tentative bookings for dry grad and graduation ceremonies must occur by October 30th and confirmation for the events must be made by March 31st of each year with the appropriate facility.
    - A $2,000 refundable security deposit must be submitted to the Leisure Services Department by January 31st of each year (**Note**: If damage occurs at one event, banquet, this damage deposit will be reduced and must be replenished prior to the next event, “dry grad”)
    - Guidelines for use and charges for the facilities are set by the Leisure Services Fees and Charges.
    - A security, safety and first aid plan must be submitted to the Leisure Services Department by May 1st of each year.

- Items to include are:
  - Medical plan
  - Security of the building
  - Dealing with smoking/vaping, drugs, and alcohol use
  - Evacuation plan and event insurances obtained for each event (to be coordinated with Leisure Services)

- Name and phone number of emergency contact who will be on site for the whole event by one week prior to each event to the Leisure Services Department

- The District of Kitimat provides a $5,000 grant to the Dry Grad Committee / Grad Committee which can be used for room booking all charges (rooms, staff costs, etc.) that are not included as part of the Leisure Services Fees and Charges.

  - The $5,000 may be split between the Dry Grad Committee and the Grad Committee
  - The $5,000 grant is budget dependant as part of the Leisure Services Department and must be approved by Council.
  - The grant cannot be used for the damage deposit owed to the Leisure Services Department
  - The grant cannot be used for costs not related to the facility rental or facility use requirements.

d) Riverlodge Recreation Centre is provided for Mount Elizabeth Middle Secondary School (MEMSS) Dry Grad and grad banquet as follows:

**Dry Grad – No Charge Facilities**

- Gym, J. Monaghan Community Room, Activity Room, Arts Wing, hallways
- Wednesday 8:30 pm – 9:30 pm
- Thursday 6 am – 9:30 pm
- Friday 6 am – start of event (est. 9 pm)
- Friday start of event (est. 9 pm) until Saturday 9 am
- Clean up must be complete by Saturday at 9 am or additional charges will be incurred.

**Dry Grad – Facility Charges**

- All other times outside of the above
- Floor cover laydown and take up.
- Recreation Attendant Services outside normal facility operating hours and for Dry Grad event after 2 am
- Electrician services
- Additional staff charges as required.

**Banquet – No Charge Facilities**

- Gymnasium, J. Monaghan Community Room, and Activity Room
- Set up 8:30 am – 3:30 pm Monday – Friday.

**Banquet – Facility Charges**

- All other times outside of the above
- Floor cover lay down and take up.
- Recreation Attendant services if additional staff are required and all time outside normal facility operating hours for including any overtime requirements.
- Service Clerk fees if additional staff are required and all staff time outside normal facility hours including overtime requirements.
- Electrician services
- Set up after 3:30 pm
- Additional staff charges as required.

# FEE POLICIES continued…

e) Riverlodge Recreation Centre is provided for Kitimat City High (KCH) grad banquet as follows:

**Banquet – No Charge Facilities**

- Gymnasium, J. Monaghan Community Room, and Activity Room
- Set up 8:30 am – 3:30 pm Thursday – Friday.

**Banquet- Facility Charges**

- All other times outside of the above
- Floor cover laydown and take up.
- Recreation Attendant services if additional staff are required and all time outside normal facility hours including overtime requirements.
- Service Clerk fees if additional staff are required and all time outside normal facility hours including overtime requirements.
- Electrician services
- Set up after 3:30 pm
- Additional staff charges required.

**Note:** The Tamitik Arena and the Sam Lindsay Aquatic Centre may be booked for dry grad and graduation events. The value of the $5,000 grant may be applied towards the costs related to these facilities. The use of the $5,000 grant must adhere to the explanation of the grant's restrictions.

17. Persons showing the Gym Works CSC Pacific/ Pacific Sport Card may use the facilities at no charge to pursue their fitness training goals. All other facility sales will apply.

18. A person using the facility for a municipally operated fitness program may use the facilities (shower, weight room, or pool) after their fitness class.

# PUBLIC ADMISSION FEES – SCHEDULE A

- **Regular Fees**

| Age Group[1] | Single Admission | Economy Tickets[2] | Per Month | 3 Month [3] | 6 Month | 12 Month |
|---|---|---|---|---|---|---|
| PreSchool[7] | n/a | n/a | n/a | n/a | n/a | n/a |
| Child[4] | 3.12 | 30.26 | 33.65 | 86.00 | 155.30 | 274.20 |
| Senior | 3.75 | 33.54 | 37.30 | 88.10 | 166.20 | 295.45 |
| Student | 4.60 | 45.75 | 58.55 | 146.35 | 263.60 | 468.60 |
| Adult | 7.60 | 72.80 | 96.25 | 240.60 | 432.80 | 769.35 |
| Family[5] | 15.25 | | 169.35 | 423.50 | 762.45 | 1,355.20 |

- **Leisure Access Fees (75% of drop-in and economy tickets, 50% of regular memberships)**

| Age Group[1] | Single Admission | Economy Tickets[2] | Per Month | 3 Month | 6 Month | 12 Month |
|---|---|---|---|---|---|---|
| PreSchool[7] | | | n/a | n/a | n/a | n/a |
| Child4 | 0.85 | 7.60 | 16.80 | 43.00 | 77.65 | 137.00 |
| Senior | 0.95 | 8.60 | 18.70 | 44.05 | 83.05 | 147.75 |
| Student | 1.20 | 11.90 | 26.00 | 73.20 | 131.80 | 234.35 |
| Adult | 1.95 | 18.20 | 42.85 | 120.25 | 196.75 | 384.70 |
| Family[5] | 3.80 | - | 91.60 | 229.05 | 412.25 | 732.85 |

- **Day Pass Fees**

| Age Group | Day Pass Rate |
|---|---|
| Preschool[7] | N/A |
| Child[4] | 5.10 |
| Senior | 5.40 |
| Student[6] | 7.95 |
| Adult | 12.35 |
| Family[5] | 24.30 |

Regular & Leisure Access Memberships allow access only to public sessions at Riverlodge (weight room, open gym, badminton, sauna, rock wall and courts) and Tamitik (sauna, whirlpool, fitness areas, courts, public swim, and public skating).

1 See Fee Policies on Page 3, Item #2, for definition of age groups.

2 Economy tickets represent 80% of 12 single admissions.

3 "3 Month" Regular Membership is the base and represents 30% of 90 single admissions; "Per Month" = Base/3+20%; "6 Months" = Basex2-10%; "12 Months" = Basex4-20%

4 GST is not charged for those 14 years and under

5 Family rate: Maximum two parents or guardians accompanying their dependent children under 19 years of age.

6 post-secondary school students with a current provincially recognized post-secondary school student card pay the student drop-in rate for admission to Leisure Services facilities; if proof of fulltime status is provided, they pay the student rate for economy tickets and memberships.

7 For a challenged person who is <5 years old, the assistant / parent / caregiver pays admission at the child drop-in rate (subsidies apply).

**Note:** Hirsch Creek Golf and Winter Club membership fees may be collected as per direction of Recreation Administration Coordinator.

# RIVERLODGE RECREATION CENTRE – SCHEDULE B

**Regular Arts Membership**

| ARTS MEMBERSHIPS [1] | | | | | |
|---|---|---|---|---|---|
| | Drop In | Per Month | 3 Months | 6 Months | 12 Months |
| Child [2] | 3.10 | 9.65 | 24.55 | 42.75 | 70.40 |
| Senior | 3.75 | 10.50 | 24.85 | 43.55 | 75.30 |
| Student [3] | 4.80 | 12.85 | 30.90 | 54.15 | 92.45 |
| Adult | 8.00 | 20.70 | 49.30 | 86.80 | 148.75 |

**Leisure Access Arts Membership (75% of drop-in, 50% of regular memberships)**

| LEISURE ACCESS ARTS MEMBERSHIPS | | | | | |
|---|---|---|---|---|---|
| | Drop In | Per Month | 3 Months | 6 Months | 12 Months |
| Child | 0.80 | 4.85 | 12.25 | 21.35 | 35.20 |
| Senior | 0.95 | 5.25 | 12.45 | 21.80 | 37.65 |
| Student | 1.20 | 6.40 | 15.45 | 27.05 | 46.20 |
| Adult | 2.00 | 10.35 | 24.65 | 43.40 | 74.40 |

1 "3 Month" Regular Membership is the base x 3 less 20%; "6 Month" Regular Membership is the base x 6 less 30%; "12 Month" Regular Membership is the base x 12 less 40%

2 GST is not charged for those 14 years and under

3 Post-secondary school students with a current provincially recognized post-secondary school student card pay the student drop-in rate for admission to Leisure Services facilities; if proof of fulltime status is provided, they pay the student rate for economy tickets and memberships.

| FIRING COUPONS | Single Item | 6 Coupons |
|---|---|---|
| Glaze | $2.50 | $14.55 |
| Bisque | $1.35 | $6.70 |
| Full Kiln | $74.30 | |
| *No membership required. Never expires. | | |

| FIRING PACKAGE[1] (Must have Arts Wing Membership) | 3 Month | 6 Month | 12 Month |
|---|---|---|---|
| **Includes bisque and glaze firing** | $95.05 | $189.85 | $380.15 |

1 Loading to be by Leisure Services staff or delegate only. Firing to be by Leisure Services staff or delegate only. Kiln to be fired only when full. Kiln firings limited to two firing per month.

# RIVERLODGE RECREATION CENTRE continued…

**Room Rental Rates[5]**

| Room | Event | | |
|---|---|---|---|
| Arts Wing | Workshop Rates for Crafts Clubs (9am - 5pm) | | 95.40 |
| Meeting Room | Meetings (per hour) | | 18.45 |
| Community Room Kitchen | Hourly Rental[6] | | 42.00 |
| Activity Room | Meetings (per hour) | | 29.30 |
| | Sports Rental/ Non Profit Rental (per hour) | Adult | 30.45 |
| | | Youth | 24.85 |
| | Receptions [2] (within normal hours) | | 249.45 |
| | Socials outside buiding hours | | 291.00 |
| | Babysitting (per hour) | | 30.50 |
| Joanne Monaghan Community Room | Meetings per hour | | 42.00 |
| | Sports Rental/ Non Profit Rental (per hour) | Adult | 38.20 |
| | | Youth | 32.35 |
| | Receptions[2] (within normal hours) | | 402.60 |
| | Seniors/Teen Dances[3] | | 402.60 |
| | Socials[1] | | 971.05 |
| Gymnasium | Sports Rental (per hour) | Adult | 68.65 |
| | | Youth | 34.15 |
| | Meetings (per hour) | | 63.50 |
| | Receptions[2] (within normal hours) | | 952.10 |
| | Socials[1] | | 2125.80 |
| Convention Rate[4] | Exclusive Use of Entire Facility (per day) | Adult | 2285.00 |
| | | Youth | 914.00 |
| Climbing Wall | Sports Rental (per hour) | | 24.95 |
| Kitimat Youth Centre | Meeting (per hour) | | 18.45 |

1. Socials operate between 7pm and 2am**.** Set up time is included as part of normal fee and arrangements and other facility activities are to be co-ordinated with the Leisure Services Administration Coordinator. When possible, decorations may be put up the day before.
2. Limited use of kitchen facilities; catered meals with alcohol service; within regular building hours of the season, Sunday to Friday at 4 p.m.; for such events as business meetings, bingo, etc.
3. Seniors/teen dances operate between 6 pm and 12 midnight with the building clear by 1 am. Without alcohol service.
4. Convention rental includes use of the entire facility for each day of the conference. This does not cover set up time as the policy for all rentals is that set up time is a part of the rate, providing the amount of time required is reasonable.
5. Federal government legislation requires that this fee be paid at social functions that provide music. Current SOCAN rates will be applied in addition to the rental fee, www.socan.com.
6. **Individuals or groups may use this facility for no charge when sharing skills pertaining to food preparation and preservation when the kitchen is not otherwise booked.** A refundable deposit of $50 will be collected and returned if the kitchen is cleaned and left in the condition it was found **Note -** If paid bookings for the Joanne Monaghan Community Room and kitchen are received outside 48 hours of the no charge booking of the kitchen, paid bookings will receive priority for the use of the kitchen space and the free booking will be cancelled.

Applicable:
- Groups or individuals interested in sharing skills or teaching friends on how to do food preparation or preservation.
- Food Bank or Food Share Program
- Groups such as Kitimat Community Services, Tamitik Status of Women, Community Garden Programs, etc.

Not Applicable:
- Commercial ventures i.e., preparation of food for a business or for selling of the food.
- Commercial ventures to train employees how to do this for businesses.
- Commercial ventures where someone is being paid to teach others.

**Note:** (i) If the Leisure Services Department deems necessary an additional charge for set up may be added. Charge made will equal the current wage rate of one Recreation Attendant 2 plus overhead for eight hours per day of event. (ii) An additional fee beyond what is listed in (i) may be added, with the permission of the Director of Leisure Services after consultation with the Recreation Administration Coordinator, based on minimum of current wage rate of one Recreation Attendant 2 plus overhead for four hours per day of event. (iii) If it is determined by the Recreation Administration Coordinator that the gym floor covering is to be used for a rental/event, an additional fee of up to 6 hours x 3 staff x the current wage rate of Recreation Attendant 1 will be

charged when necessary.

# RIVERLODGE RECREATION CENTRE continued…

- **Martial Arts Fees**

**Tae Kwon Do**

Trial period 1 to 30 September - no fee.
Fall fees to be paid by 30 September, winter by 1 February.
Training session schedule is 1 September to 31 May, with **shared use of room.**

| TAE KWON DO | | | | | |
|---|---|---|---|---|---|
| **Age Group** | **Season** | | | | |
| Adult (≥19yrs) | Full Year | 1 October | to | 31 May | 384.85 |
| | Part Year | 1 October | to | 30 Jan | 198.65 |
| | | 1 February | to | 31 May | 198.65 |
| Youth (15-18yrs) | Full Year | 1 October | to | 31 May | 219.70 |
| | Part Year | 1 October | to | 30 Jan | 111.25 |
| | | 1 February | to | 31 May | 111.25 |
| Children (≤14yrs) | Full Year | 1 October | to | 31 May | 187.65 |
| | Part Year | 1 October | to | 30 Jan | 103.15 |
| | | 1 February | to | 31 May | 103.15 |
| Seniors (≥60yrs) | Full Year | 1 October | to | 31 May | 190.80 |
| | Part Year | 1 October | to | 30 Jan | 104.80 |
| | | 1 February | to | 31 May | 104.80 |

**Judo/ Boxing/ Jiu-Jitsu**

Trial period 1 to 30 September - no fee. Fall fees to be paid by 30 September, winter by 15 January.
Judo /Boxing/ Jiu-Jitsu training session schedule is 1 September to 30 April.

| JUDO/BOXING/JUI-JITSU | | | | | |
|---|---|---|---|---|---|
| **Age Group** | **Season** | | | | |
| Adult (≥19yrs) | Full Year | 1 October | to | 30 April | 402.25 |
| | Part Year | 1 October | to | 15 Jan | 201.40 |
| | | 16 January | to | 30 April | 201.40 |
| Youth (15-18yrs) | Full Year | 1 October | to | 30 April | 234.75 |
| | Part Year | 1 October | to | 15 Jan | 123.30 |
| | | 16 Jan | to | 30 April | 123.30 |
| Youth Drop-In | | | | | 5.40 |
| Children(≤14yrs) | Full Year | 1 October | to | 30 April | 206.10 |
| | Part Year | 1 October | to | 15 Jan | 112.05 |
| | | 16 Jan | to | 30 April | 112.05 |
| Seniors (≥60yrs) | Full Year | 1 October | to | 30 April | 213.30 |
| | Part Year | 1 October | to | 15 Jan | 117.15 |
| | | 16 Jan | to | 30 April | 117.15 |

# SAM LINDSAY AQUATIC CENTRE – SCHEDULE C

- **Pool Rental Rates**

| | Youth [1, 3] | | Adult | |
|---|---|---|---|---|
| **Time (rates are per hour)** | **A** | **B** | **A** | **B** |
| **Rental Rates** | | | | |
| All normal operating hours. | 121.20 | 64.15 | 163.85 | 87.00 |
| **Adhoc Pool Rentals[2]** | **A, B, & C** | | **A, B, & C** | |
| Outside normal operating hours Youth = 75% of adult rate | 213.75 | | 284.45 | |

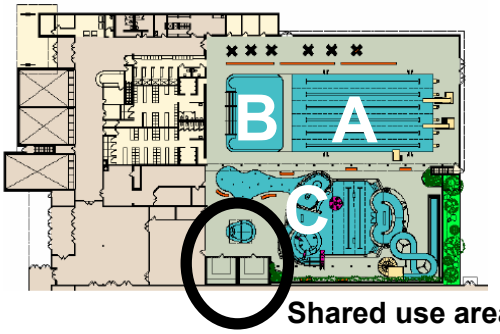
1. Youth volume purchased pool time minimum 1 hour/day, Monday to Friday, 40 weeks/year.
2. Maximum 75 people. Intent of program rate is to capture all costs of on-deck personnel and meet policy relative to ratios between guards and participants. If there are additional participants, the cost would be the hourly labour cost including benefits plus 25%.
   - Persons or groups wishing to rent the complete facility will be required to pay all costs of additional on deck personnel and meet policy relative to ratio between guards and participants. Cost is current Guard 1 rate + overhead for each additional lifeguard required above 40 swimmers. The ratio of lifeguards to swimmers and additional charge for staff as follows:

     41 – 80 swimmers = 1 additional lifeguard
     81 – 140 swimmers = 1 additional lifeguard
     141- 200 swimmers = 1 additional lifeguard
     201+ swimmers = Requires 1 additional lifeguard per 50 swimmers
3. The Kitimat Marlins Swim Club rates are to be adjusted accordingly with any changes to the Fee Schedule.

**Note:** Swim Meet Charges: During a swim meet, the teach pool (shallow end) will be provided at no charge to the facility renters.

The Sam Lindsay pool is available to rent as a whole unit or in subsections:

A. 25-meter length swim area plus shared use of sauna and whirlpool
B. 10-meter shallow end swim area plus shared use of sauna and whirlpool
C. Leisure Pool plus shared use of sauna and whirlpool; waterslide is optional; intent is to capture all costs of waterslide personnel; cost = hourly labor rate + benefits for a slide attendant
D. Lane rentals. Individual lane rentals are available at the rate of $19.35 per hour provided that:
   a. The lane area is not booked for other purposes.
   b. The pool is open and qualified people are on duty.




- **Sauna and Whirlpool**

1. This area is a common area for use by all participants using the various pools, provided that:
   a. The complete pool is not separately booked (i.e., private rental).
   b. The pool is open and qualified people are on duty.
2. Use of the sauna and whirlpool area is included when playing racquet sports or using the fitness centre, provided that:
   a. The complete pool is not separately booked (i.e., private rental).
   b. The pool is open and qualified people are on duty.
3. Use of these facilities is restricted to participants 16 years of age and over, unless accompanied by an adult.

- **Pool Rental Rates for Non-Residents**

| | |
|---|---|
| Adult | Adult Ad Hoc pool rental rate + 25% surcharge |
| Youth | Youth Ad Hoc pool rental rate + 25% surcharge |

# TAMITIK ARENA / KITIMAT ICE RINK – SCHEDULE D

- **Ice Rental Rates**

**Adult**

| ADULT ICE | | | | |
|---|---|---|---|---|
| | **Fall: Sept 1 - 30** | **Winter: Oct 1 - Mar 14** | **Spring[7]: Mar 15 - May 31** | **Summer[7]: Jun 1 - Aug 31** |
| Adults (All hrs) | 261.80 | 0.00 | 204.50 | 261.75 |
| Prime Time[1] (All hrs exclusive of non prime) | 0.00 | 261.05 | 0.00 | 0.00 |
| Non-prime Time[2] | 0.00 | 222.80 | 0.00 | 0.00 |
| Cancellation / No-Shows Charge, <28 days notice | 261.80 | 261.05 | 204.50 | 261.75 |
| Special[3] | 0.00 | 71.90 | 0.00 | 0.00 |

**Youth (18 years and under - registered society)**

| | **Fall: Sept 1 - 30** | **Winter: Oct 1 - Mar 14** | **Spring[5]: Mar 15 - May 31** | **Summer[6]: Jun 1 - Aug 31** |
|---|---|---|---|---|
| Youth (All hrs) | 96.65 | 0.00 | 134.80 | 261.75 |
| Prime Time[1] (All hrs exclusive of non prime) | 0.00 | 96.65 | 0.00 | 0.00 |
| Non-prime Time[2] | 0.00 | 83.15 | 0.00 | 0.00 |
| Cancellation / No-Shows Charge, <28 days notice | 199.70 | 209.25 | 134.80 | 261.75 |
| School Non-Instruction Days (NID) Must have adult supervision | 0.00 | 59.10 | 59.10 | 0.00 |

[1] Monday to Friday, 6 pm to 12 midnight. Saturday to Sunday, 8 am to 12 midnight.
[2] All other times.
[3] Monday to Friday (school days) 8am to 3pm. Statutory Holidays - See page 5.
[4] **Cancellation / No Shows Charge for Youth during Fall/Winter: Double the normal rate unless Cold Weather Policy in effect.**
[5] Youth Spring booked prior to January 15th, local youth group:
a) require a minimum $500 deposit.
b) rental rate: $107.75 (20% discount off regular spring ice)
c) minimum hours / day: 4
d) minimum days / week: 5
e) minimum weeks going forward from March 15 in consecutive weeks: 4.
f) Ice booked after January 15th be at rate of $134.80.
g) Ice can only be booked in the year that it will be used; The Director of Leisure Services, or delegate, may waive this for special events as necessary.
h) Fees will match the fall/winter ice fee rates if the ice has not been removed and requires re-installation, and all other spring ice requirements have been met.

[6] Youth Summer booked prior to January 15th, local youth group:
a) require a minimum $1000 deposit.
b) rental rate: $136.15 (48% discount off regular summer ice)
c) minimum hours / day: 7
d) minimum days / week: 5
e) minimum weeks working back from August 31st in consecutive weeks: 4.
f) Ice booked after January 15th be at rate of $261.75
g) Ice can only be booked in the year that it will be used; The Director of Leisure Services, or delegate, may waive this for special events as necessary.
h) Fees will match the fall/winter ice rental rates for the last three full weeks of August if all other requirements of summer ice rentals have been met.

[7] Adult program or commercial sector (hockey school) unless booked through local youth group. Spring / summer booked prior to January 15th:
a) deposit $2,000
b) rental rate: $153.40 (25% discount off regular spring ice)
c) minimum 6 hours / day
d) minimum rental program - 2 weeks
e) minimum 6 days if 2 weeks, 5 days if 3 weeks

f) minimum 2-week rental

# TAMITIK ARENA / KITIMAT ICE RINK continued…

g) Ice can only be booked in the year that it will be used; The Director of Leisure Services, or delegate, may waive this for special events as necessary.
h) Fees will match the fall/winter ice fee rates if the ice has not been removed and requires re-installation, and all other spring ice requirements have been met.

- **Ice Rental Rates for Non-Residents**

| | |
|---|---|
| Adult | Adult prime time ice rental rate + 25% **surcharge** |
| Youth | Fall/Winter: 50% (adult prime time ice rental rate +25% surcharge)<br>Spring/Summer: Youth rental rate + 25% |

- **Ice Time – Open (Local Elite Athletes) (October 1 - May 1)**
From time-to-time various youth excel in their ice sport and, prior to competition, request additional ice time for practice. If ice time is available at no additional cost to the taxpayer, the charge per individual would be $16.70 per hour**.** For procedure see Leisure Services Department Standard Operating Procedures Manual.
- **Special Events / Ice Shows** (re: feature hockey games, ice shows featuring provincial, national, or international people)
Rental rate applicable or 10% of gross gate whichever is the greater. Actual clean-up costs to be paid by rental agency.
- **Net Pegging** (securing hockey nets limiting movement)
User groups to be responsible for net pegging or procure the service from the Leisure Services Department at a charge (above their regular ice rental rate) of hourly cost-plus benefit package at minimum of 4 hours.
- **Summer Non-Ice Rental Rates** - Minor User Groups (18 years and under - registered society)

| **SUMMER NON-ICE RENTAL** | |
|---|---|
| Minor User Groups | 73.35 |
| Adult Rental | 120.95 |

- **Shows / Concerts**

| **SHOWS / CONCERTS** | | |
|---|---|---|
| Local Non-Profit Organization, per day, registered society | | 825.35 |
| | | plus cleanup costs |
| | First Day | 1,375.55 |
| | Second Day | 1,375.55 |
| Commercial Rates | Rock Concert Rate[1] | 1,375.55 |
| | | plus cleanup costs |
| | Complete Concession Rights | 550.25 |
| | Partial Concession Rights | 275.15 |

[1] Negotiate 10% of the gross gate or minimum fee whichever the greater. All set-up, take-down, on-going clean-up, and final clean-up of room rental (exclusive of janitorial) to be negotiated in rental agreement.

- **Senior, Intermediate, or Junior Hockey**

1. It is recognized that this type of hockey has not operated in our community for several years and every situation should be judged on its own merits. However, this program offers an opportunity for an initial starting point.
2. Registration with BC Amateur Hockey Association.
3. Minimum of 10 home games, six of which must be from outside Pacific Northwest at Junior "B" level or higher.
4. a) A guarantee of $13,401.70 plus GST to be instituted versus 15% of the gross gate, whichever is the greater.
   b) That the $13401.70 plus GST guarantee be paid in full by 15 November of each year or 15% of gate receipts or the balance by cheque.
   c) Gross rate split 15% to the District of Kitimat for ice costs, for training camp and games.
   d) 85% to hockey team for operating costs and to provide competition.
   e) Before split, the following game costs to come off the top:
      i. referees, linesmen, and ticket sellers.
      ii. referees and linesmen to be supplied by the hockey team.
      iii. ticket sellers to be supplied by the Leisure Services Department.

# TAMITIK ARENA / KITIMAT ICE RINK continued…

5. Practice Times:
   a) Training camp ice time that is available prior to 29 September of each year.
   b) Regular practice is two sessions per week for 1 hour and 15 minutes at agreed upon times.

6. It is stated that the hockey team is responsible for security and control of building during all rental times.

- **Tamitik Room Rental Rates**

| | | | |
|---|---|---|---|
| George Thom Meeting Room | Meetings per hour | | 27.90 |
| | Socials (within established bldg hrs) | | 248.90 |
| | Sports Rental / Non Profit Group Rental (per hour) | Adult | 30.50 |
| | | Youth | 24.95 |
| | Babysitting (per hour) | | 30.45 |
| | Workshops (9am - 5pm) | | 95.40 |
| Arena Mtg Rm | Meetings per hour | | 18.45 |
| Press Room | Meetings per hour | | 18.45 |
| Squash Court | Sports Rental (per hour) | | 24.95 |
| | Meetings per hour | | 24.95 |

# MISCELLANEOUS – SCHEDULE E

- **Advertising**

Commercial advertising is permitted by youth volunteer agencies to be installed on the sports field fencing of the outdoor sports fields, squash court kill boards, and specific areas of the arenas (see Leisure Services Department SOP for details).

| ADVERTISING | | |
|---|---|---|
| | 4' x 8' space | 249.60 |
| Sports Fields | Kill Board | 249.60 |
| Squash Courts | Score Clock/panel | 249.60 |
| Arenas | Ice Resurfacer/panel | 249.60 |
| | Tamitik Arena Board | 249.60 |
| | Above Ice Machine Bay | 249.60 |
| | Tamitik Lower Concourse Ice Exit | 249.60 |
| | Kitimat Ice Rink Board | 149.75 |
| | Ice Advertising (Tamitik Arena & KIR) | 249.60 |

- **Corporate Fitness Program**

1. That this program be available to all industrial/commercial employers in our community to encourage them to be involved in the fitness of their employees and their families.
2. That a firm must have a business licence in Kitimat to qualify.
3. That a firm must guarantee a minimum billing of $100.00 / month to pay for the Leisure Services Dept's administration costs.
4. That the Leisure Services Department collect no more than 75% of the total cost of the program admission price.
5. That each employee and family members who qualify for the program will have to purchase a picture identification card from the District of Kitimat Leisure Services Department.
6. To qualify for the ID picture, the employee of the company will have to present his/her employee identification card and BC Care Card to the Leisure Services Department. Each member of his/her family must also present the card to the Leisure Services Department, to identify the family members eligible for the ID and, therefore, the program.
7. The Leisure Services Department will collect admission fees for each public session from a qualifying employee or dependant as set by the registered company and the balance of the fee for the public program would be billed to the registered company at month end.
8. Subsidies vary with participating industries and institutions. For fee structure of each participating company, see current schedules in file 4.3.6.

- **Park Campground Fees**

| | | Fee Per Night W/O Electrical | Fee Per Night With Electrical |
|---|---|---|---|
| **Radley Park** | Regular | 24.00 | 28.00 |
| | Seniors[1] | 24.00 | 28.00 |
| | Physically Challenged[2] | N/A | N/A |
| | Firewood | 5.00 Per Bundle | |
| | Booking Fee | 3.00 Per Booking | |
| **Hirsch Creek Park** | Regular | 17.00 | N/A |
| | Seniors[1] | 17.00 | N/A |
| | Physically Challenged[2] | N/A | N/A |
| | Firewood | 5.00 Per Bundle | |
| | Booking Fee | 3.00 Per Booking | |

[1] 50% discount from the day after Labour Day to June 14th for seniors (65 years of age or older) and physically challenged (as per the Provincial Parks).
[2] BC Parks no charge camping for disability criteria: http://www.env.gov.bc.ca/bcparks/fees/disability.html

Council Motions:
April 13, 1992: That the fees for the campgrounds follow the fee structure of the Provincial Parks for similar facilities.
1999: Increase of $1 and coin operated shower at rate of $1 for 5 minutes.
2004: Increase to $18 for site w/o electricity. Provincial government site w/o electricity is $22 (Firewood extra).
2010: Provincial government w/o electricity is $25 (Firewood extra).
2015: Provincial rate increased.
2018: New BC Parks no charge camping for persons with disabilities be implemented.
2021: Provincial rate increased in 2020.

Hirsch Creek Park and Radley Park Winter Rates (September 15 to May 15):No showers, toilets, garbage pick-up, and no firewood.

Without electricity $17.00
With electricity $28.00

- **Field User Fees**

These fees are for use of the following fields: Nechako Ball Fields 1 and 2, Riverlodge Ball Fields 1, 2, and 3, Riverlodge Soccer Field

| FIELD - PER ADULT TEAM Season: May to Sept 7 | | |
|---|---|---|
| Soccer | per team | 789.05 |
| Softball | per team | 789.05 |
| Cricket | per team | 789.05 |

- Adhoc game rental fee for team not registered with Leisure Services Dept.: $65.65 per game.
- Seasonal Rental of fields per team includes (1) practice time and (1) game time per week.

- Tournaments: $131.50 per day or part day.
  **Note:** Tournament users must pay $500 damage deposit at time of booking. The damage deposit will be returned if the sports field is determined to be in reasonable condition after inspection by Leisure Services Staff. If approved the damage deposit will be returned within 5 business days of the end of the tournament.

| FIELD - YOUTH (≥15yrs) Season: May to Aug 15 | | |
|---|---|---|
| Soccer | per team | 341.45 |
| Softball | each; player registers with Softball BC | 25.25 |
| Cricket | per team | 341.45 |

- Adhoc game rental fee for team not registered with Leisure Services Dept.: $39.05 per game.
- No charge for registered associations
- Seasonal Rental of fields per team includes (1) practice time and (1) game time per week.
- Tournaments: $77.15 / day or part day for non-registered associations.
  **Note:** Tournament users must pay $500 damage deposit at time of booking. The damage deposit will be returned if the sports field is determined to be in reasonable condition after inspection by Leisure Services Staff. If approved the damage deposit will be returned within 48 hours of the end of the tournament.

| FIELD - CHILD (≤14yrs) | | | |
|---|---|---|---|
| Soccer | May to Aug 15 | per team | 230.70 |
| Softball | May to June 30 | each; player registers with Softball BC | 15.50 |
| Cricket | May to Aug 15 | per team | 230.70 |

- Adhoc game rental fee for team not registered with Leisure Services Dept.: $22.15 per game.
- No charge for registered association or invited teams.
- Seasonal Rental of fields per team includes (1) practice time and (1) game time per week.
- Tournaments: $48.65 per day or part day for non-registered associations.
  **Note:** Tournament users must pay $500 damage deposit at time of booking. The damage deposit will be returned if the sports field is determined to be in reasonable condition after inspection by Leisure Services Staff. If approved the damage deposit will be returned within 7 days of the end of tournament.

- **Climbing Wall**

When available within facility operating hours. Annual waiver/consent form must be complete prior to using the wall. Admission fees are the same as regular public and Leisure Access fees. Economy tickets are applicable.

- **Leisure Services Department Equipment Rental**

| TYPE OF EQUIPMENT | | FEE (DAILY) |
|---|---|---|
| **Photocopying** | Volunteers | $0.15 |
| | Public | $0.32 |
| **Flip Chart Paper** | 1 pad non-lined, 50 pgs | $19.66 |
| | 1 pad lined white newsprint, 50 pgs | $25.43 |
| | Flip Chart Stand | $15.44 |
| **Furniture** | Rectangle Banquet Tables | |
| | Per table, per day | $9.05 |
| | Per table, per week | $47.63 |
| | Per table, per month | $141.96 |
| | Chairs - plastic | |
| | Per chair, per day | $1.56 |
| | Per chair, per week | $4.58 |
| | Per chair, per month | $9.36 |
| | Plus deposit of half cost of rental | |
| **Linen** | Tablecloth (rectangle or round) | $14.92 |
| | Napkin | $1.24 |
| | Plus $50 deposit if used outside Riverlodge | |
| **Coffee Service (includes cups, cream and sugar)** | 8 cup | $8.00 |
| | 30 cup | $27.05 |
| | 100 cup | $55.05 |
| | Thermos | $25 Deposit Only |
| | Urn, per day | $11.90 |
| | Urn Deposit | $50.00 |
| **Padlocks** | Padlock | $1.00 |
| | Deposit | $4.00 |
| **Racquet Equip.** | Squash racquet | $1.25 |
| | Squash balls | $1.25 |
| | Squash goggles | $1.25 |
| | Table tennis paddles & 2 balls | $1.25 |
| **Ice Skates** | | $1.25 |

As per Council motion of November 10, 2003:
- For internal use for clients renting Leisure Services Department facilities
- For internal use by other departments
- For use by public when not available from the private sector

- **Snowshoes**

| SNOWSHOES | |
|---|---|
| Per pair per day | 26.40 |
| Deposit per pair | 50.00 |

- **Trail Rider**

| TRAIL RIDER | |
|---|---|
| Per Day | NC |
| Deposit | 100.00 |

- **Block Party Equipment**

| BLOCK PARTY | |
|---|---|
| Unit 1 - Hands Up per day | 41.15 |
| Deposit | 150.00 |
| Unit 2 - Up, Up and Away per day | 41.15 |
| Deposit | 150.00 |
| Unit 3 - Sports Pack per day | 41.15 |
| Deposit | 150.00 |
| All 3 Units per day | 123.75 |
| Deposit | 350.00 |

- **Kayak Rental**

| Usage | Fee - Single Kayak | Fee - Double Kayak |
|---|---|---|
| Day Use (7 Hours) | 51.15 | 67.60 |
| 24 Hour | 110.65 | 125.85 |
| 48 Hour Use | 165.90 | 202.80 |
| Extra Day (beyond 48 hours) | 53.70 | 67.60 |
| Damage Deposit | 300.00 | 300.00 |

- **Santa Suit Rental**

| MR & MRS SANTA COSTUMES | |
|---|---|
| Per day | 32.55 |
| Deposit | 50.00 |

- **Tents**

| 10' x 10' Tent | |
|---|---|
| Per tent per day | 28.95 |
| Deposit per tent | 250.00 |

- **Portable Electric Subpanel**

| Portable Subpanel | |
|---|---|
| Per Day | 27.05 |
| Deposit per tent | 250.00 |

- **Snow Cone Machine**

| Snow Cone Machine | |
|---|---|
| Per tent per day | 50.00 |
| Snow Cone Supplies[1] | 60.00 |
| Damage Deposit | 200.00 |

[1] Supplies included: Snow cone mix, 1 jug & 200 cups.

- **Dunk Tank**

| Dunk Tank | |
|---|---|
| Per day | 65.00 |
| Damage Deposit | 500.00 |

PART 12 - CIVIL DEFENCE
Division 1 - Kitimat Emergency Plan

Subdivision 1 - Interpretation

12.1.1. 1. "Act" means the Emergency Program Act.

"Declaration of a state of local emergency " means a declaration of Council or the Mayor that an emergency exists or is imminent in the municipality;

"Disaster" means a calamity that:

a. is caused by accident, fire, explosion or technical failure or by the forces of nature, and

b. has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;

"Emergency" means a present or imminent event that:

a. is caused by accident, fire, explosion or technical failure or by the forces of nature, and

b. requires prompt coordination of action or special regulation of persons or property, to protect the health, safety or welfare of people or to limit damage to property;

"Kitimat Emergency Coordinator" means the person appointed under Section 3.2 of the Act as head of the Kitimat Emergency Management Organization;

"Kitimat Emergency Management Organization" means the Emergency Executive Committee, Emergency Coordinator and such other persons appointed and functional groups established and which are charged with emergency preparedness, response and recovery measures;

2. This bylaw shall be construed in accordance with the Emergency Program Act, RSBC 1996 Chapter 111 and all Regulations made thereunder.

PART 12 - CIVIL DEFENCE
Division 1 - Kitimat Emergency Plan

Subdivision 2- Administration

12.1.2. 1. An Emergency Executive Committee shall be composed of:

a. the Mayor or delegate (Committee Chairperson);

b. the Chief Administrative Officer of the municipality;

c. Emergency Coordinator;

d. heads of selected functional departments or their designates as determined by the Council:

i. Fire
ii. Police
iii. Finance
iv. Planning
v. Engineering
vi. Municipal Clerk
vii. Recreation

e. such other members that the Council of the District of Kitimat may determine.

2. The Council shall appoint a Kitimat Emergency Coordinator to facilitate emergency preparedness, response and recovery measures.

3. Subject to the approval of the Council, the Emergency Executive Committee may:

a. make and amend its terms of reference, policies and procedures,

b. enter into agreements with regional districts or other municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery, and

c. enter into agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services.

*Kitimat Municipal Code*, CONVENIENCE COPY. The District of Kitimat accepts no responsibility for errors or omissions in this consolidation. A CERTIFIED COPY is available from the Municipal Clerk, District of Kitimat.

PART 12 - CIVIL DEFENCE
Division 1 - Kitimat Emergency Plan

Subdivision 3 - Duties and Responsibilities of the Council

12.1.3. 1. The Kitimat Emergency Executive Committee shall prepare as required and present to the Council for review and approval:

a. a list of hazards to which the municipality is subject and which also indicates the relative risk of occurrence,

b. plans respecting the preparation for, response to and recovery from emergencies and disasters, which include:

(1) a periodic review and updating of plans and procedures for that review,

(2) a program of emergency response exercises,

(3) a training program,

(4) procedures by which physical and financial emergency resources or assistance may be obtained,

(5) procedures by which emergency plans are to be implemented,

(6) warning procedures to those persons who may be harmed or suffer loss in an emergency or impending disaster,

(7) procedures to coordinate the provision of food, clothing, shelter, transportation and medical service to victims of emergencies and disasters, whether that provision is made from within or outside of the municipality, and

(8) procedures to establish the priorities for restoring essential services provided by the municipality, or recommend priorities to other service providers, that are interrupted during an emergency or disaster.

PART 12 - CIVIL DEFENCE
Division 1 - Kitimat Emergency Plan

Subdivision 4 - Powers of the Council

12.1.4. 1. The Council or the Mayor or the Emergency Coordinator (or other person designated in the plan) may, whether or not a state of local emergency has been declared, cause the emergency plan to be implemented.

2. The Council by bylaw or resolution, or the Mayor by order, may declare a state of local emergency when the extraordinary power or authority enabled by Section 12 of the Act is required to effectively deal with an emergency or disaster in any part of the municipality. The Mayor will make reasonable effort to consult with Council prior to declaring a state of emergency.

3. Upon a "declaration of a state of local emergency" being made, Council or the Mayor shall:

a. forward a copy of the declaration to the Minister, and

b. cause the details of the declaration to be published by a means of communication that the Council or Mayor considers most likely to make the contents of the declaration known to the majority of the population of the affected area.

4. After a declaration of a state of emergency is made under Section 5.2 of the Act in respect of all or any part of the municipality, and for the duration of the state of emergency, the Council or Mayor may do any or all acts considered necessary and implement procedures that the Council or Mayor considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including any or all of the following:

a. acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;

b. authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;

c. control or prohibit travel to or from any part of the municipality;

PART 12 - CIVIL DEFENCE
Division 1 - Kitimat Emergency Plan

Subdivision 4 - Powers of the Council (Continued)

12.1.4. 4. d. provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in the municipality;

e. cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the municipality that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;

f. authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by the Council or Mayor to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;

g. cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Council or Mayor to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;

h. construct works considered by the Council or Mayor to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;

I. procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of the municipality for the duration of the local state of emergency; and

j. authorize the Emergency Coordinator (or other selected person or persons) to exercise, in any part of the municipality affected by a declaration of a local state of emergency, those specific powers enabled in Section 5.4 and assumed by the Council or Mayor.

PART 12 - CIVIL DEFENCE
Division 1 - Kitimat Emergency Plan

Subdivision 4 - Powers of the Council (Continued)

12.1.4. 5. The Council or Mayor must, when of the opinion that an emergency no longer exists in the municipality to which a declaration of local state of emergency was made:

a. cancel the declaration of a state of local emergency in relation to that part

(1) by bylaw or resolution, if cancellation is effected by the Council, or

(2) by order, if the cancellation is effected by the Mayor, and

b. promptly notify the Minister of the cancellation of the declaration of a state of local emergency.

Subdivision 5 - Liability

12.1.5. 1. As enabled by the Act, no person, including, without limitation, the Council, the Mayor, members of the Kitimat Emergency Management Organization, employees of the District of Kitimat, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:

a. the person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this bylaw, unless, in doing or omitting to do the act, the person was grossly negligent, or

b. any acts done or omitted to be done by one or more of the persons who were, under this bylaw, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 1 - The Building Code

13.1.1. 1. The *Building Code* as defined by this Part of the *Kitimat Municipal Code* is hereby adopted and by this reference is made a part of the *Kitimat Municipal Code* and shall apply to all buildings in the District of Kitimat.

Subdivision 2 - Definitions

13.1.2. 1. In this Division, the following words have the following meanings:

"ALTERATION/RENOVATION" means a change made to an existing *building* or *structure* that maintains the floor area of the existing *building* or *structure* and includes but is not limited to:

a. Construction of, cutting into, or removal of a wall, partition, column, beam, joist or floor within the existing *building* or *structure;* and

b. A change to, or closing of, any window or door.

"ARCHITECT" means an individual who is a member in good standing, licensed by the Architectural Institute of British Columbia, to practice as an Architect in the Province of British Columbia.

"BASEMENT" means a storey or storeys of a building located below the first storey as defined in the *Building Code*.

"BUILDING" means any structure used or intended for supporting or sheltering any use or occupancy, and includes a manufactured home.

"BUILDING CODE" means the *British Columbia Building Code* adopted pursuant to the *Building Act.*

"BUILDING INSPECTOR" means a qualified building official designated by the District of Kitimat from time to time to be the Building Inspector, and includes any qualified building official designated as his or her assistants and deputies.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 2 - Definitions (Continued)

"BUILDING PERMIT" means a permit authorizing construction, reconstruction, repair or alteration/renovation of a building or structure.

"CITY" means District of Kitimat

"COMPLEX BUILDING" means a building or structure exceeding 600 square metres in building area or exceeding three stories in building height used or intended to be used for, in whole or part, commercial, industrial, or institutional purposes, or a multi-family residential building containing five or more dwelling units.

"CONSTRUCTION TRAILER" means a prefabricated trailer mounted on a steel frame with attached axle/s and wheels or skids, CSA certified, detached from other structures used for the purpose of temporary office, lunchroom, first-aid room, washroom, storage or other related use on a construction site.

"CONSTRUCTION TRAILER COMPLEX" means a single prefabricated trailer mounted on a steel frame or skids assembled and connected to other trailers to form a complex and used for the purpose of office, lunchroom or other related use on a construction site.

"CONTRACTOR" means a person who contracts with an owner to undertake a building project, and includes an owner who contracts with more than one person for the work on a project or undertakes the work on a project or any part thereof.

"DAMAGE" means physical harm caused to property resulting in loss of value or the impairment of usefulness and includes but is not limited to physical harm to roads, curbs, gutters, boulevards, sidewalks, hydrants, valves and other appurtenances, street lighting, street furnishings, and trees, or, the placement, dropping, or deposit of any dirt, debris, plants, materials, objects, or substances.

"DECK" means a structure attached to a dwelling, with no walls except for visual partitions and railings, which is constructed with a floor on posts and beams above grade for use as an outdoor living area.

"DECK PERMIT" means a permit authorizing the construction, reconstruction, repair or alteration/renovation of a deck.

"DEMOLITION PERMIT" means a permit authorizing the demolition, or partial demolition, of a building or structure.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 2 - Definitions (Continued)

"DISTRICT" – means the District of Kitimat.

"DO NOT OCCUPY NOTICE" means a directive by the building inspector to the owner to cease occupancy of a building.

"DWELLING" AND "DWELLING UNIT" means a room or suite of rooms comprising a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

"ELEVATIONS" means elevation above sea level in District of Kitimat datum.

"FENCE" means a structure serving as an enclosure, a barrier or a boundary, usually made of posts or stakes, joined together by boards, wire or rails and includes a gate, screen, trellis and wall that is not a retaining wall.

"FIELD REVIEW" means a site visit, inspection and report review by a registered professional regarding the work at a construction site to which a building permit relates.

"FINISHED GRADE" means the final elevation of the ground surface adjacent to a building or structure after construction.

"GARAGE" means a structure which is attached to a dwelling by a common wall, common roof structure, breezeway or other form of attachment or a detached stand-alone structure and is designed or used for the sheltering or motor vehicles and the storage of household goods incidental to the residential use of the dwelling.

"GRADE" (as applying to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, excluding localized depressions such as for vehicle and pedestrian entrances.

"LETTERS OF ASSURANCE" means the letters attached as Schedule A, Schedule B and Schedule C-A and C-B of Part 2 of Division C of the *Building Code*, amended as necessary by the registered professional in cases where the letters are required by the building inspector but not required by the *Building Code*.

"MANUFACTURED HOME" means a factory built, single detached dwelling unit conforming to CAN/CSA-Z240 MH.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 2 - Definitions (Continued)

"OCCUPANCY" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

"OWNER" means, in respect of a parcel,

a. the registered owner of an estate in fee simple;

b. the tenant for life under a registered life estate;

c. the registered holder of the current or most recent registered agreement for sale;

d. the holder of occupier of land held in the manner referred to in Section 228 (taxation of Crown land used by others) or Section 229 (taxation of Municipal land used by others) of the Community Charter.

"PAVED" means surfaced with asphalt, concrete or brick that cannot be removed by natural weather conditions.

"PLUMBING FIXTURE" means a toilet, water closet, sink, lavatory, bathtub, shower, hot water tank, clothes washer, dishwasher, floor drain, roof drain, water heater, oil and grease interceptor, sump, catch basin, backflow prevention device, vacuum breaker and any similar appliance which is connected to a sanitary drain, water supply or internal rain water leader.

"PLUMBING SYSTEM" means a system of pipes and fixtures installed in a building for the distribution of potable water and the removal of sanitary wastes or rain water.

"QUALIFIED BUILDING OFFICIAL" means

a. person having the qualifications described by the District of Kitimat; and

b. upon the coming into force of s. 10 of the *Building Act,* a qualified building official as defined in the *Building Act.*

"RECONSTRUCTION" means to re-build a building or structure, including any structural elements, to original design, dimensions and materials.

Subdivision 2 - Definitions (Continued)

"REGISTERED PROFESSIONAL" means

a. a person who is registered or licensed to practice as an architect under the *Architects Act;* or

b. a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act.*

"RENTAL PREMISES" means a building containing one or more rental units.

"RENTAL UNIT" means residential living accommodation of any kind that is rented or intended to be rented to a tenant under a tenancy agreement and includes, without limitation, a dwelling unit, a sleeping unit or a housekeeping unit.

"REPAIR" means the replacement of an existing component of a building or structure, other than a structural element, with a component of like characteristics.

"SECONDARY SUITE" means a self-contained, accessory dwelling unit located within a principal single-detached dwelling having its own separate cooking, sleeping and bathing facilities and direct access to the outside without passing through any part of the principal dwelling unit.

"SECURITY" means cash, a certified cheque or an unconditional, irrevocable and automatically renewing letter of credit issued by a chartered bank or credit union.

"SECURITY FENCE" means a temporary structure that surrounds the perimeter of a construction or demolition site to prevent access.

"SETBACK" means the horizontal distance measured at right angles to a parcel line, between the parcel line and the nearest point of a building, structure, or use.

"STRUCTURAL ENGINEER OF RECORD (SER)" means a Structural Engineer engaged to review, certify and provide letters of assurance for the structure, engineered components and foundations of a standard building.

"SHED" means an outbuilding used for storage.

"SIDING" means a material used for surfacing the outside walls of a wood frame building.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 2 - Definitions (Continued)

"STANDARD BUILDING" means a building that is not a complex building and includes a single-family dwelling, a manufactured home, and a multi-family residential building having four or fewer dwelling units on one parcel.

"STOP WORK NOTICE" means a directive by the building inspector to an owner to cease work on a building or structure.

"STRUCTURE" means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.2 metres in height.

"VALUE" in relation to construction means all costs of construction, materials and labour required to carry out the construction to completion.

Subdivision 3 – Purpose of Part 13

13.1.3.

1. Interpretation of Part 13 – This Part, notwithstanding any other provision herein, be interpreted in accordance with this Subdivision 3.

2. Purpose of Part 13 – This Part has been enacted for the purpose of providing for the administration and regulation of the *Building Code* within the District of Kitimat and to regulate building and development in general in respect to those matters not included in the *Building Code*.

3. Limitations of Part 13 – It is not contemplated nor intended, nor does the purpose of this Part extend:

   a. to the protection of owners, constructors, subsequent owners, or any other person from economic loss;
   b. to the assumption by the District or any building inspector of any responsibility for ensuring the compliance by any owner, his or her agent or representative, or employees, constructors or designers retained by him or her, with the *Building Code*, the requirements of this Part or other applicable enactments respecting health or safety
   c. to providing any person a warranty of design or workmanship with respect to any building or structure for which a permit or occupancy permit is issued under this Part; or
   d. to providing a warranty or assurance that construction undertaken pursuant to permits issued by the District is free from latent, or any defects.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 4 – Permit Conditions

13.1.4.

1. A permit is required whenever and before work regulated under this Part is undertaken.

2. Disclaimer of Warranty or Representative – Neither the issuance of a permit under this Part, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a building inspector, shall constitute representation, warranty, assurance or statement that the *Building Code, Municipal Code* or other enactments respecting health and safety have been complied with or that the building or structure meets any standard of materials and workmanship, and no person shall rely on any of those acts as establishing compliance with the *Building Code*, this Part or any other applicable enactments respecting health and safety. The person to whom a permit is issued is responsible for making such determination.

3. Owner Responsibility –

   a. It shall be the full and sole responsibility of the owner to carry out the work in respect of which the permit was issued in compliance with the *Building Code*, this Division and other applicable enactments respecting health and safety.

   b. Every owner to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of work authorized by the permit, and shall acknowledge this prior to issuance of the permit by signing the Damage Deposit form and providing the required security.

Subdivision 5 – Scope and Exemptions

13.1.5.

1. Applications - This Part applies to the design, construction and occupancy of new buildings and structures, and the alteration/renovation, reconstruction, demolition, removal, relocation and occupancy of existing buildings and structures. Where renovation, repair or addition to a building are undertaken the Building Inspector may require upgrades to the entire building as provided in Appendix A of the Code.

2. Exemptions – This Part does not apply to:

   a. buildings or structures exempted by Section 1.1.1.1(2)(a) to (e, (g) to (h) of the *Building Code*; or

   b. retaining structures less than 1.2 metres in height.

Subdivision 5 – Scope and Exemptions (continued)

13.1.5

3. Building Permit Not Required – A Building Permit is not required for any of the following:

   a. replacement of roofing materials, providing like materials are used;

   b. replacement of windows within existing wall openings;

   c. replacement of plumbing fixtures;

   d. exterior siding replacement that does not require changes to the building envelope assembly to meet the manufacturer's installation instructions.

4. Permits Not Required for LNG Facilities – No permit of any kind is required under this Part for the construction, erection, placement or alteration of a building or structure on land whose legal description, as of the date of first reading of Municipal Code Part 13 – Building Amendment Bylaw No. 1948 2019, is set out in Subdivision 9 of this Division, or that is located within the area outlined in heavy black line on Plan 10748 being a Reference Plan to Accompany Lease of Part of District Lot 5469 Range 5 Coast District, if the construction, erection, placement or alteration has been authorized by a leave to Construct and the occupancy has been authorized by a Leave to Operate issued under s. 25 of the *Oil and Gas Activities Act* and copies of the authorizations have been provided to the District.

5. Building Energy Conservation Step Code - In relation to the conservation of energy, buildings may be constructed on or after May 1, 2023, in accordance with sections 9.36.2 to 9.36.4 of Division B of the BC Building Code 2018.

Bylaw No. 2024, 2023

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 6 – Prohibitions

13.1.6.

1. Permits Required – No person shall commence or continue any construction, alteration/renovation, reconstruction, demolition, removal, relocation of any building or structure or plumbing system, including excavation or other work related to construction, unless a building inspector has issued a valid and subsisting permit for the work.

2. Occupancy Permit – No person shall occupy or use any building or structure, or part of it, unless a valid and subsisting occupancy permit has been issued by a building inspector for the entire building or structure, or contrary to the terms of any occupancy permit issued or any notice given by a building inspector.

3. No False Information – No person shall knowingly submit false or misleading information to a building inspector in relation to any permit application or construction undertaken pursuant to this Part.

4. No Tampering with Permit – No person shall reverse, alter, deface, cover, remove or in any way tamper with any notice, order, permit or certificate issued by the building inspector, including one posted upon or affixed to a building or structure pursuant to this Part.

5. No Variances – No person shall do any work that is substantially at variance with the design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been accepted in writing by a building inspector.

6. No Obstruction of Building Inspector – No person shall obstruct the entry of a building inspector or other authorized official of the District of Kitimat on property in the administration of this Part.

7. Structural Damage – At the discretion of the building inspector, any building that has experienced structural damage due to a tornado, earthquake or other act of Nature, fire, decay or man-made disaster, shall provide an engineer's report upon the completion of the repairs, certifying that the work has been completed in accordance with the engineer's recommendations.

8. Despite any other provision of Part 13, no permit shall be issued without prior issuance of a development permit, where such permit is required by Section 489 of the *Local Government Act*.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 7 – Owners and Authorized Agents

13.1.7.

1. Use of An Agent - An owner may appoint an agent for the purposes of this Part, by completing and delivering to the building inspector the District's form for that purpose, and all subsequent applications, requests and other acts of the agent shall be deemed to be acts of the owner and all permits, notices, acceptances and other notices delivered to the agent will be deemed to have been delivered to the owner.

2. An owner may not revoke an appointment of an agent for the purposes of this Part unless the owner provides the building inspector with a written revocation.

3. Rules on Signing by Owners - Where an application, letter or other document is required by this Part to be provided by the owner, the following apply;

   a. the document must be signed by the owner;

   b. if a corporation is an owner of the property, the document must be signed by at least one signing officer of the corporation;

   c. if the property is or involves common property of a strata corporation, the document must be signed by two members of the strata council, and depending on the circumstances, the building inspector may require proof;

   d. a document may be signed by the owner's authorized agent, if the owner has provided the building inspector with a signed authorization of that person as agent for all purposes associated with the construction.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 8 – Building Inspector

Powers of Building Inspectors

13.1.8. 1. Each building inspector may:

a. administer this Part and all other *Municipal Codes* and permit relating to any property for which a permit has been issued, or relating to any property for which a permit is required for the activity underway or completed;

b. keep records of permit applications, permits, notices and orders issued, inspections and tests made, and retain copies of documents related to the administration of this Part 13 including digital copies of such documents;

c. establish if requested to do so, whether the methods or types of construction and types of materials proposed to be used in the construction of a building or structure for which a permit is sought under this Part will achieve at least the minimum level of performance of the applicable acceptable solution described in the *Building Code*;

d. post a *Stop Work Notice*, or otherwise order the cessation of work that is proceeding in contravention of this Part, a permit or the *Building Code*;

e. post a *Do Not Occupy Notice,* or otherwise order to cease occupancy of a building that is proceeding in contravention of this Part, a permit or the *Building Code*;

f. refuse to issue a permit where, the application for a permit or the proposed construction does not comply with the *Building Code*, this *Division of Part 9 of the Municipal Code* or where in his/her opinion, the results of tests of materials, devices, construction methods, structural assemblies or foundation conditions are not satisfactory;

g. prescribe from time to time the form for applications, permits, orders and other notices referred to in this Part.

PART 13 - BUILDING
Division 1 - Introductory Provisions

Subdivision 8 – Building Inspector (continued)

13.1.8 Entry onto Land

2. A building inspector may:
   a. enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the requirements of the *Building Code* and this Part are being observed;
   b. where any residence is occupied, obtain the consent of the occupant or provide written notice to the occupant TWENTY-FOUR (24) hours in advance of entry; and
   c. carry proper credentials confirming his/her status as building inspector.

3. Order Correction of Work - A building inspector may order the correction of any work that is being or has been done in contravention of the *Building Code*, this Part or a permit issued under this Part.

4. Unavailability of Building Inspector - The District may, in circumstances in which a building inspector is not available to exercise powers to perform duties under this Part, issue a building permit, plumbing permit, demolition permit, solid fuel burning appliance permit, occupancy permit or fire sprinkler permit, if a qualified building official who is not a building inspector as defined in the *Building Act,* has certified that the application for the permit and the proposed construction comply with the *Building Code* and this Part, or in the case of an occupancy permit that the construction complies with the *Building Code*, this Part and the applicable permit.

Subdivision 9 – Permits Not Required for LNG Facilities

| PID | Description |
|---|---|
| 013-085-484 | District Lot 94 Range 5 Coast District |
| 004-332-041 | District Lot 5469 Range 5 Coast District Except Plans EPP41247 |
| 030-237-939 | Lot A District Lots 187 & 6050 Range 5 Coast District Plan EPP67347 |
| 013-119-621 | Parcel A (see L361) of District Lot 6003 Range 5 Coast District |
| 004-333-519 | The West 1/2 of District Lot 6003 Range 5 Coast District |
| 004-334-078 | District Lot 6004 Range 5 Coast District Except Part in Plan EPP67348 |
| 004-333-021 | District Lot 6001 Range 5 Coast District |
| 004-333-276 | District Lot 6002 Range 5 Coast District |
| 004-329-627 | Block 1506 District Lot 73 Range 5 Coast District Plan 6148 |
| 030-473-667 | District Lot 186 Lot A Range 5 Coast District |
| 013-085-638 | District Lot 187 Range 5 Coast District Except Plan 11524 |
| 016-334-558 | Lot 1 DLS 981 5469 & 7940R Range 5 Coast District Plan 12731 |

PART 13 - BUILDING
Division 2 - Applications for Permits

Subdivision 1 – Applications for Permits

13.2.1. 1. Required Permits - Every person shall apply for and obtain:

a. a building permit before constructing, reconstructing, repairing or altering a building or structure;

b. a plumbing permit before constructing or altering a plumbing system;

c. a demolition permit before demolishing a building or structure, or any part thereof;

d. a solid fuel burning appliance permit prior to the construction and/or installation of a solid fuel burning appliance within a building or structure;

e. an occupancy permit prior to occupying a building or structure;

f. a fence permit before construction of a fence, a partial fence or security fence;

g. a deck permit before construction of a deck;

h. a shed permit before construction of a shed that has a floor area less than $10m^2$ measured to the outer surfaces of the exterior walls;

i. a fire sprinkler permit before installation of fire sprinklers within a building or structure.

2. Permit Application Forms – Applications for permits required by this Part shall be made on the forms provided.

3. Plans – Designer Name – All plans submitted with building permit applications shall bear the name and address of the designer of the building or structure.

4. Separate Building Permits – Each building or structure to be constructed on a parcel requires a separate building permit and shall be assessed a separate permit fee based on Schedule A of this Part.

Subdivision 1 – Applications for Permits (Continued)

5. Separate Plumbing Permits – Each plumbing system to be constructed on a parcel requires a separate plumbing permit for each building and shall be assessed a separate permit fee based on Schedule A of this Part.

6. Construction Trailer – Subject to any other Division, the Building Inspector may issue a One (1) Year Permit for the placement of a Construction Trailer, provided that:

   a. the permit fee and security specified in Schedule A of this Part has been paid;

   b. the trailer complies with the requirements of the Building Code with respect to local snow load or alternate solution acceptable to the Building Inspector;

   c. the trailer is adequately supported;

   d. the trailer has ingress and egress facilities acceptable to the building inspector; and

   e. the placement of the trailer has been approved;

   f. An application for a permit shall be made on the form for such applications accompanied by a suitable plan showing the location of the trailer.

7. Construction Trailer Complex – Subject to any other Division, the Building Inspector may issue a One (1) Year Permit for the placement of a Construction Trailer Complex provided that:

   a. The permit fee and security specified in Schedule A of this Part has been paid;

   b. The trailer complex is certified by a Registered Professional that it complies with the *Building Code* with respect to:
      1. Snow Load
      2. Structure
      3. Foundation Support
      4. Seismic Restraint

   c. The trailer has ingress/egress facilities acceptable to the building inspector;

   d. Placement of the trailer has been approved

8. Application for a Construction Trailer or Construction Trailer Complex shall be made on the form for such applications

accompanied by a suitable plan showing the location of the trailer or complex.

9. The permit holder shall remove the Construction Trailer or Construction Trailer Complex's from the site no later than the expiry date of the permit and leave the site in a safe, tidy and sanitary condition, in default of which the District may perform the work and dispose of the trailer at the permit holder's expense, and apply the security to the cost of doing so.

10. A permit for a Construction Trailer or Construction Trailer Complex may be renewed for additional one (1) year terms provided that construction continues to be authorized by a Building Permit and work is in progress. Renewals shall be subject to the following conditions;

    a. Payment of the fee specified in Schedule A of this Part;

    b. Satisfactory inspection of the Construction Trailer or Complex by the Building Inspector and Fire Department;

Subdivision 2 – Professional Plan Certification

13.2.2. 1. Letters of Assurance Required Under the *Building Code* – In addition to the circumstances where building design and field review are required to be performed by a registered professional under the *Building Code*, every owner applying to construct a complex building or standard building requiring a registered professional under this Part shall:

    a. provide to the building inspector prior to issuance of a building permit, letters in the form(s) set out in Schedules A and B of Division C Part 2 of the *Building Code*;

    b. provide to the building inspector prior to issuance of a building permit, proof for each Registered Professional's liability insurance coverage by providing the completed Registered Professional Proof of Insurance form.

    c. provide to the building inspector prior to obtaining a final inspection for an occupancy permit for the building, the form(s) set out in Schedules C-A and C-B of Division C Part 2 of the *Building Code*.

Subdivision 2 – Professional Plan Certification (Continued)

2. Building Inspector Requirements for Letters of Assurance – In addition to the circumstances where building design and field reviews by a registered professional are required under the *Building Code*, the building inspector may require an owner applying for a building permit for a standard building or a structure to provide the District with the certifications referred to in Section 13.2.2.1.(a) and Section 13.2.2.1.c) of this Part if the building inspector considers that this is warranted by circumstances that relate to site conditions, size or complexity of development, or another aspect of development.

3. Reliance on Letters of Assurance - Building Permits issued pursuant to Section 13.2.2.1 and 13.2.2.2 shall include notice to the owners that:

   a. the letters of assurance are relied upon by the District and its building inspectors as certification that the design and plans and construction to which the letters of assurance relate comply with the *Building Code*, this Part and other applicable enactments relating to health and safety.

   b. When a building permit is issued in accordance with 13.2.2.3.(a) the permit fee shall be reduced pursuant to Section 13.4.1.4

Subdivision 3 – Applications for Standard Buildings

13.2.3. 1. Documents Required for Applications - An application for a building permit for a standard building shall be made on the District's form for such applications and the owner shall include the following additional information:

   a. Owner's Declaration – the owner of a building or structure to be constructed requiring a building permit shall include with the permit application(s), a signed and completed "Acknowledgement of Owner" form;

   b. Application Forms – if applicable, any other permit application form(s) made on the Districts form for such applications;

   c. Water Turn On/Off Application Form – if applicable, in accordance with Part 6, Division 3 of the *Municipal Code;*

   d. Homeowner Protection Office Form – the form required by *Section 30 of the Homeowner Protection Act*, in the case of a residential use;

Subdivision 3 – Applications for Standard Buildings (Continued)

e. Site Plan – unless the building inspector waives the requirement for a site plan, in whole or in part, where the permit is sought for the repair or alteration/renovation of an existing building or structure, a site plan showing;

(1) Dimensions – the bearing and dimensions of the parcel, taken from the registered subdivision plan, if applicable;

(2) Legal – title search print, legal description, civic address and owner information of the parcel, and listing of restrictive covenants in favour of the District of Kitimat;

(3) No Building Areas – the location and dimensions of all statutory rights of way, easements, covenants, and zoning bylaw setback requirements;

(4) Buildings – the location and dimensions of all existing and proposed buildings or structures on the parcel, including on-site sewage disposal systems, if applicable;

(5) Foundation Elevations – proposed elevations for top of basement and garage foundation, garage floor, surface drainage to District of Kitimat Datum;

(6) Parking/Driveway – the location, dimension and slope of parking and driveway access;

(7) Lot Grading Plan – lot grading plans showing elevations of all corners of the parcel, which indicate the existing and final elevations and mandatory grades from the dwelling to the corners of the parcel on which is located. Elevations to be to District of Kitimat Datum;

(8) Floor Plans – floor plans showing the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; stair dimensions; structural elements; plumbing fixtures including hot water tanks and tankless water heating systems; appliances, heating systems including heat recovery ventilation systems, and carbon monoxide and smoke detectors;

Subdivision 3 – Applications for Standard Buildings (Continued)

(9) Cross Section – cross sections through the building or structure at an appropriate scale and sufficient locations, illustrating foundations, drainage, ceiling heights and construction systems;

(10) Elevations – elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;

(11) Foundation Design – plans showing the layout, dimensions, widths and depths of all footings, foundation walls, pads and cross-sections of walls, footings, pads showing reinforcement location, size and spacing, prepared by a registered professional if 13.2.2.2. applies;

(12) Building Design – two sets of drawings illustrating the design of the building or structure;

(13) Truss Plan – a truss plan and truss drawings provided by the truss supplier and stamped by a professional engineer;

(14) Roof – a roof plan and roof height calculations;

(15) Spatial Separations – information on all window openings to enable the building inspector to calculate spatial separations.

1. f. Other Information – any other information required by the building inspector to consider compliance with this Part, the *Building Code* and other applicable Divisions and enactments.

g. Letter of Assurance – the applicable letters of assurance as referred to in Division C Part 2 of the *Building Code*, each signed by the relevant registered professionals, if professional plan certification is required by the *Building Code* or this Part.

h. Securities – completed “Damage Deposit” form and pay the security amount.

2. Manufactured Homes – in addition to the requirements of *Section 13.2.3.1.*, the following shall be submitted with a moving permit application and building permit application for the installation of a manufactured home.

Subdivision 3 – Applications for Standard Buildings (Continued)

a. Standards – evidence that the manufactured home will be constructed and certified under current Canadian Standards Association (CAN/CSA) A277 or Z240MH standards, and certification that it meets the Climatic Data requirements for Kitimat, set out in “Climatic Data” form;

b. Registered Professional – where a foundation and site prepared for a manufactured home does not comply with Section 13.2.2.2. of this Part, Schedules A and B of Division C Part 2 of the *Building Code* will be required from a registered professional;

c. Site Information – details of siting, servicing, foundations or tie downs.

Subdivision 4 – Applications for Complex Buildings

13.2.4. 1. Documents Required for Application – An application for a building permit for a complex building shall be made on the District’s form for such applications and the owner shall provide the following additional information:

a. Drawings – two complete sets of drawings at a suitable scale of the design, illustrating that the building or structure substantially conforms to the *Building Code*, prepared by each registered professional and including all necessary information;

b. Other Permit Applications – if applicable, any other permit application which shall be made on the District of Kitimat’s form for such applications;

c. Cost Estimate – a construction cost estimate from a registered professional or a signed copy of the actual contract between the contractor and the owner, the cost estimate to include site drainage collection infrastructure, parking infrastructure and servicing utilities;

d. Water Turn On/Off Application Form – if applicable, in accordance with Part 6, Division 3 of the *Municipal Code*;

e. Application Forms – if applicable, any other permit application form(s) made on the District’s form for such application;

f. Home Protection Office form – the form required by section 30 of the *Homeowner Protection Act*, in the case of a residential use;

Subdivision 4 – Applications for Complex Buildings (Continued)

g. Declaration Forms – each owner of a building or structure to be constructed requiring a building permit shall include with the permit application(s), a signed and completed "Acknowledgement of Owner" form and if applicable an "Owner's Authorization";

h. Title Search – print providing the legal description, owner information and listing all restrictive covenants pertaining to the title;

i. Letters of Assurance – letters of assurance as referred to in Division C Part 2 of the *Building Code*, each signed by the relevant registered professionals;

j. Report – a geotechnical engineer's report providing detailed information on site conditions, including but not limited to, soils, drainage requirements, slope, stability and contamination, except to the extent that a building inspector has determined that such report is not required;

k. Approvals – copies of approvals required under any enactment relating to health or safety, including, without limitation, filings made with the Northern Health Authority with regard to on-site sewage disposal, highway access permits and Ministry of Health approval of on-site potable water supplies;

l. Business License – copy of current business license for each general contractor, subcontractor and owner/contractor's;

m. Development Permit – copy of any required development permit;

n. Securities – completed "Damage Deposit" form and pay the security amount;

o. Site Plan – a site plan, prepared by a British Columbia Land Surveyor unless a building inspector determines that a plan prepared by a person of lesser qualification is adequate, showing:

(1) Dimensions – the bearing and dimensions of the parcel taken from the registered subdivision plan;

(2) Site Information – the location and size of the building and the floor area and lot coverage ratio;

Subdivision 4 – Applications for Complex Buildings (Continued)

(3) Legal – the legal description and civic address of the parcel;

(4) No Build Area – the location and dimensions of all statutory rights of way, easements and zoning bylaw setback requirements;

(5) Buildings – the location and dimensions of all existing and proposed buildings or structures on the parcel;

(6) Bins – the proposed location and dimensions of garbage and recycling bins;

(7) Hydrants – the locations of all nearby fire hydrants, fire sprinklers/standpipe connections and fire flow calculations;

(8) Landscape Area – the detailed description and illustration of the landscape plan;

(9) Levels – the existing and finished ground levels to an established datum at or adjacent to the site and to the District of Kitimat Datum of the underside of the floor system of a building or structure where the District's zoning regulations establish siting requirements related to a minimum floor elevation; and

(10) Roads – the location, dimension and gradient of access roadways, parking and driveway access.

p. All necessary building plans including but not limited to:

(1) Architectural Plans – floor plans showing the dimensions, and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and openings of windows; floor, wall and ceiling finishes; structural elements; and stair dimensions;

(2) Structural Plans – showing the details for the footings/foundation plans, load bearing members, fasteners and connectors, concrete reinforcing, roof slope, finishes; structural elements; and stair dimensions;

Subdivision 4 – Applications for Complex Buildings (Continued)

(3) Mechanical Plans – including the heating, ventilation and air conditioning details, plumbing details, site servicing for water, sewer and drainage outside the building envelope, fire suppression systems and roof drainage systems;

(4) Electrical Plans – prepared by an electrical engineer including all electrical systems of the building and fire alarm systems;

2. Security Fence - An owner must install a security fence prior to constructing a complex building and;

a. The owner must include a fence permit application made under Section 13.2.10 of this Part with the building permit application;

b. The owner must ensure that the security fence surrounds the entire construction site, is properly maintained throughout the construction period and complies with the *Building Code* Municipal bylaws and has been approved by a building inspector.

3. Additional Information – In addition to the requirements of Section 13.2.4, the owner may be required by a building inspector to submit site servicing drawings, including sufficient detail of off-site services to indicate location at the property line, prepared and sealed by a registered professional, in accordance with the District of Kitimat's Subdivision and Development Servicing Division.

Subdivision 5 - Moving Permits

13.2.5. 1. Documents Required for Application – An application for a moving permit shall be made on the District's form for such applications.

2. Disconnection of Services – Prior to moving any building, the owner must submit a Water Turn On/Off application to have the water turned off by the District of Kitimat and the owner must disconnect all services, cap all underground services and install stakes at the end of those services.

3. Highway Closures – If an owner requires any temporary highway or lane closures for the moving of a building, permission must be received from the District and the District's costs to accommodate the move are the responsibility of the owner.

Subdivision 6 – Fire Sprinkler Permits

13.2.6.

1. Documents Required for Application – An application for a fire sprinkler permit shall be made on the District's form for such applications and the owner shall provide letters of assurance from the registered professional who designs the system.

Subdivision 7 – Demolition Permits

13.2.7.

1. Documents Required for Application – An application for a demolition permit shall be made on the form for such applications.

2. Disconnection of Services – Prior to demolition of any building, the owner must submit a Water Turn On/Off Application The owner must coordinate disconnection of all utility services in accordance with the applicable utility standards as well as cap all underground services and install stakes at the end. Services older than 25 years shall be excavated, removed and capped at the service mains or, if to be reused, replaced at the developers' cost.

3. Backfilling – Upon completion of demolition of a building, the owner must remove all cellars, foundations and other remaining structures, and backfill excavations to grade level with uncontaminated native backfill or other uncontaminated granular material.

4. Site Profile – Before issuance of a demolition permit the owner shall complete and submit, if required, the Ministry of Environment's Schedule 1 Form indicating that no Schedule 2 activities were performed on the site, or provide a site profile and Ministry of Environment clearance documentation.

5. Security Fence – If required by the *Building Code* the owner must install a security fence prior to demolition and after obtaining a fence permit under Section 13.2.10 of this Part, and Section 13.2.2.2 of this Part applies to the fence.

Subdivision 8 – Solid Fuel Burning Appliance Permits

13.2.8.

1. Documents Required for Application – An application for a solid fuel burning appliance permit shall be made on the District's form for such applications and be accompanied by a copy of the manual for the solid fuel burning appliance.

2. Certifications of Appliances – All appliances installed pursuant to a solid fuel burning appliance permit must have a certification label attached to the unit from the Canadian Standards Association, Underwriters Laboratories of Canada, or another certifier acceptable to the building inspector.

Subdivision 8 – Solid Fuel Burning Appliance Permits (Continued)

3. Manufacturer Specifications – All solid fuel burning appliances and chimneys must be installed in accordance with manufacturer specifications including but not limited to pipe sizing and clearances.

4. Required Inspections – Every owner shall obtain an inspection and acceptance of the installation of a solid fuel burning appliance, after installation and before any portion of the work is covered or concealed. If the work is covered of concealed prior to inspection, the owner shall uncover the work, remove construction materials and do everything else necessary for the building inspector to conduct inspection.

5. Owner Must Call for Inspections – The owner shall give at least 24 hours notice to the building inspector of the owner's request for an inspection of a solid fuel burning appliance and the District of Kitimat is not required to undertake any inspection under Section 13.2.8.4 until requested by the owner.

6. Plans Available – An owner is not entitled to request an inspection of work under Section 13.2.8.4 unless a copy of the issued solid fuel burning appliance permit and all applicable plans and manufacturer specifications are available at the site and the civic address is clearly visible from the street.

Subdivision 9 – Plumbing Permits

13.2.9.

1. Documents Required for Application - An application for a plumbing permit shall be made on the District's form for such applications.

2. Certified Tradesman - All plumbing must be installed by a certified tradesman unless being installed by a home owner occupying or intending to occupy the residential building in which the plumbing is installed. Owner/installers must complete, acknowledge and sign the Home Owner's Plumbing Declaration Section of the Plumbing Permit Application.

3. Required Inspections – Every owner shall obtain an inspection and acceptance of the installation of plumbing fixtures, after installation and before any portion of the work is covered or concealed. If the work is covered or concealed prior to inspection, the owner shall uncover the work, remove construction materials and do everything else necessary for the building inspector to conduct the inspection.

Subdivision 9 – Plumbing Permits (Continued)

4. Owner Must Call for Inspections – The owner shall give at least 24 hours advance notice to the building inspector of the owner's request for an inspection of plumbing and the District is not required to undertake any inspection under *Section 13.2.9.3* until requested by the owner.

5. Plans Available – An owner is not entitled to request an inspection of work under *Section 13.2.9.3* unless a copy of the issued plumbing permit and all applicable plans are available at the site and the civic address is clearly visible from the street.

Subdivision 10 – Fence, Security Fence, Deck and Shed Permits

13.2.10.

1. Documents Required for Application – An application for a fence permit, a security fence permit, a deck permit or a shed permit shall be made on the District's form for such applications.

2. Required Inspections – Every owner shall obtain an inspection and acceptance of the installation of a fence, security fence, deck or shed, after installation and before any portion of the work is covered or concealed. If the work is covered or concealed, every owner shall uncover the work, remove construction materials and do everything else necessary for the building inspector to conduct the inspection.

3. Owner Must Call for Inspections – The owner shall give at least 24 hours notice to the building inspector of the owner's request for an inspection and the District is not required to undertake any inspection under *Section 13.2.10.3* until requested by the owner.

4. Plans Available – An owner is not entitled to request an inspection of work under *Section 13.2.10.3* unless a copy of the issued fence permit, deck permit or shed permit as applicable, and all applicable plans are available at the site and the civic address is clearly visible from the street.

Subdivision 11 – Retaining Structures

13.2.11.

1. Documents Required for Application – An application for a building permit for a retaining structure shall be made on the District's form for such applications.

2. Requirement for Professional Design and Field Reviews – A registered professional shall undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.2 metres in height and tier walls with a total height greater than 1.2 metres spaced at a distance less than each tier height.

Subdivision 11 – Retaining Structures (Continued)

3. Information with Permit Application – Sealed copies of the design plan prepared by the registered professional for all retaining structures greater than 1.2 metres in height shall be submitted to a building inspector prior to issuance of a building permit.

Subdivision 12 – Fuel Tank Storage – Commercial Property

13.2.12.

1. Documents Required for Application – An application to remove, install, repair or upgrade a fuel storage tank and/or piping for commercial property shall be made and a permit fee shall be paid in accordance with the Fire Prevention Part of the *Municipal Code*.

2. Required Inspections – An on-site inspection is required during tank removal by the Fire Department.

PART 13 - BUILDING
Division 3 - Owner Requirements

Subdivision 1 – Responsibility of the Owner

13.3.1. 1. Owner Liability – Neither the issuance of a permit under this Part nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the District shall in any way relieve the owner from full and sole responsibility to perform the work in strict accordance with this Part, the *Building Code* and other applicable enactments respecting health and safety.

2. On Site Requirements – Every owner to whom a permit is issued shall, during construction;

a. Post Permit – post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;

b. Plans on Site – keep a copy of the accepted designs, plans and specifications on the property; and

c. Civic Address – post the civic address on the property in a location clearly visible from the abutting road.

3. Site Conditions - Where a building permit has been issued, the owner of a property shall ensure that during construction:

a. Storage – no construction material or equipment is placed or stored on adjacent District property or, without permission, on adjacent private property;

b. No Disturbances – there is no disturbance to adjacent properties or to existing erosion and sediment control appurtenances;

c. Drainage Control – proper site drainage and erosion and sedimentation control measures are in place to prevent the discharge of sediment into the District storm drainage system or neighbouring properties or natural water courses;

PART 13 - BUILDING
Division 3 - Owner Requirements

Subdivision 1 – Responsibility of the Owner (Continued)

d. Residues – the residue from the cleaning of concrete trucks or the wash from exposed aggregate concrete is not discharged directly into the District storm drainage system, onto District boulevards or onto private property without the owner's consent;

e. Sidewalks – sidewalks and roadways are kept clear of mud and debris associated with vehicles travelling to and from the building site and are cleaned daily;

f. Rubbish – a container with a closable lid is available for deposit of rubbish and debris during construction, and the building site is kept in neat and tidy condition;

g. Recycling Material – containers for separation of materials are available to divert recyclable materials from the disposal at the landfill. Cardboard must be separated, maintained at an appropriate recycling facility.

4. If an owner fails to clear mud or debris from sidewalks and roadways as required by Section 13.3.1.3.e, allows rubbish or debris to escape from a building site, or allows rubbish or debris to accumulate on a building site outside of the confines of a container provided on the site to contain rubbish or debris, the District may clear the mud or debris or collect and dispose of the rubbish or debris at the owner's cost, may recover the cost from the owner as a debt, and may collect any unpaid costs from the owner in the same manner and with the same remedies as property taxes.

Subdivision 2 – Site Standards

13.3.2. 1. Drainage - The owner shall ensure that in connection with the construction of any building, structure or paved surfaces, drainage works and patterns shall be established in accordance with the following standards:

a. Surface Water – adequate drainage of surface water shall be provided over the whole area of a building site in accordance with this Part, and Part 9 of the *Municipal Code;*

b. Terminus of Drainage – surface water from each site shall drain directly into either a public storm sewer system in accordance with the Division where such is available or into a natural water course designated by the building inspector;

PART 13 - BUILDING
Division 3 - Owner Requirements

Subdivision 2 – Site Standards (Continued)

c. Adjacent Property – surface water shall not be allowed to drain from any site into any adjacent property or public park other than a natural watercourse designated by the building inspector;

d. Catch Basins – where grading will result in collection of water, catch basins shall be installed to carry such surface water from the site, or other methods of drainage acceptable to the building inspector must be employed in accordance with the Subdivision and Servicing Development Division;

e. Downspouts – where downspouts are provided and are not connected to storm sewer or an acceptable private sub-surface disposal system, extensions shall be provided to carry rainwater away from the building and towards the street storm drainage in a manner which will prevent soil erosion.

2. Grading

a. Plan – if a lot grading plan has been provided by the District as part of the application for the building permit, the lot must be graded in accordance with the approved plan;

b. Direction of Grading – whenever topographically possible, lots shall be graded towards roadways, and in no case shall lots be permitted to drain onto an adjacent lot. In areas where site topography prohibits drainage to roadways, lots may be graded to lot lines with drainage swales graded out to the roadways in accordance with the Subdivision and Servicing Development Division.

3. Driveways – Maximum Grade – the finished gradient of driveway access shall not be greater than 8% and not less than 0.5%;

4. Paving – Finished surfaces shall conform to Part 9 of the *Kitimat Municipal Code;*

PART 13 - BUILDING
Division 3 - Owner Requirements

Subdivision 3 – Water Meters and Water Services

This Section does not apply to single-family residential properties

13.3.3.

1. Installation of Water Meter – the owner must install the water meters required by Part 6, Division 3 of the *Municipal Code* before a building inspector performs the final inspection;

2. No Occupancy Without Water Meter – an occupancy permit will not be issued if the water meter and the meter transmission unit, which allows for remote reading of the water meter, are not installed or water is not being supplied to the building or structure.

Subdivision 4 – Rental Accommodation

This Section only applies to rental accommodation.

13.3.4

1. Notice to Comply – the Inspector may direct an owner whose rental unit fails to meet the requirements of this bylaw to remedy the non-compliance within the time stated by the Inspector in a written notice to comply delivered to the owner.

2. Compliance with Other Bylaws – compliance with this bylaw does not excuse an owner or any person from requirement to comply with all other municipal bylaws and regulations.

3. Owners Duties and Obligations – an owner of rental premises must not use, permit the use of, lease, rent or offer to lease or rent any rental unit that does not at all times conform to minimum maintenance standards for rental premises prescribed by this bylaw.

4. Service and Utilities

   a. Water

      (1) All plumbing, including plumbing fixtures, drains, vents, water pipes, toilets and toilet tanks and connecting lines to the water and sewer system, shall be maintained in good working order and repair, free from leaks or other defects and protected from freezing.

(2) Hot water systems are capable of providing an adequate supply of hot and cold running water to every hand basin, bathtub, and shower. Every toilet and toilet tank shall have an adequate supply of running water. Hot water shall be supplied at minimum temperature of 45 degrees Celsius and a maximum of 60 degrees Celsius.

b. Heat

(1) Furnaces and other heating equipment installed within a rental premise must be capable of continuously maintaining each room in every rental unit within the rental premises at a minimum temperature of 19 degrees Celsius, measured at a point 1.5 m from the floor and in the centre of the room.

(2) At the request of any tenant of a rental unit, the owner of the rental premises must, without unreasonable delay, provide sufficient heat to the tenant's rental unit to meet the minimum temperature standard.

c. Electrical System and Lighting

(1) Electrical wiring and lighting equipment, including circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order.

(2) Adequate levels of artificial lighting shall be maintained in good working order in all rental units, with tenants being responsible to supply light bulbs or tubes as required.

5. <u>Ventilation and Moisture Build-up</u>

a. Ventilation systems and their supporting members contained in the approved construction shall be maintained in good working condition.

b. The building envelope shall be maintained to prevent the accumulation of moisture in the wall through the wall system.

c. An owner shall not cause or allow residential premises to become subject to the growth of mould or fungus.

6. Structural Integrity

   a. Buildings and their structural components including, but not limited to: roofs; stairs; railings; porches; deck joists; rafters; beams; columns; foundations; floors; walls and ceilings; shall be maintained in good repair and in a manner that provides sufficient structural integrity so as to safely sustain its own weight and any additional loads and influences to which it may be subjected through normal use.

7. Exterior Finishing

   b. Exterior walls and their components shall be maintained to prevent their deterioration due to weather or insects. All exterior walls shall have cladding or covering free of holes, cracks, or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability.

   c. A roof including the facia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building.

   d. Exterior doors, windows, skylights, and hatchways shall be maintained in good repair.

   e. Openings in exterior walls, other than doors and windows, shall be effectively protected to prevent the entry of rodents, insects or vermin.

PART 13 - BUILDING
Division 4 - Issuance of Permits and Permit Fees

Subdivision 1 – Permit Fees

13.4.1. 1. Permit Fees Payable – in addition to applicable fees and charges that may be required under other Divisions, a permit fee, in the amount established by Schedule A of this Part, shall be paid in full before issuance of any permit under this Part.

2. Plan-Processing Fee - a permit fee for a building permit shall include the applicable plan-processing fee as set out in Schedule A to this Part. The plan-processing component of the building permit fee is payable when owner's submit an application for a building permit.

a. The owner must pay an additional plan-processing fee if the building permit application is amended or revised either before or after the issuance of the permit, to accommodate changes to the design made in the course of construction;

b. The plan-processing component of the building permit fee is not refundable.

4. Building Permit Fee Reduction – when a building permit is issued acknowledging reliance on Professional Plan Certifications under Section 13.2.3. or the building inspector requires the use of a Structural Engineer of Record in the design of a Standard building the fee payable shall be reduced by:

a. Complex buildings – 20% up to a maximum of $1000;

b. Standard buildings – 50% up to a maximum of $1000;

c. Standard buildings, foundation only – 50% of the portion of fees related to the foundation work calculated as follows:

$$\frac{\text{Foundation Cost}}{\text{Total Building Cost}} \times \text{Total Permit Fee} \times 50\%$$

PART 13 - BUILDING
Division 4 - Issuance of Permits and Permit Fees

Subdivision 1 – Permit Fees (Continued)

5. Commencement of Work without Building Permit – every person who commences work requiring a building permit under this Part without first obtaining such a building permit shall, if a stop work notice is issued, pay double the fees set out in Schedule A to this Part to obtain the required building permit.

6. Cancellation of Building Permit Application - an application for a building permit shall be cancelled if the owner has not paid the remainder of the building permit fee within 180 days of written notification to the owner that the building permit is ready to be issued. When a building permit application is cancelled under Section 13.4.1.6. the plans and related documents submitted with the application may be destroyed.

7. Refunds of Permit Fees – the owner may obtain a refund of the permit fees set out in Schedule A to this Part when a permit is surrendered and cancelled before any construction begins, provided the refund shall not include the plan-processing fee.

8. Re-Inspections –

a. where more than one inspection is necessary to establish compliance with the *Building Code* and this Part, for each inspection after the first inspection, the owner shall pay the re-inspection fee as set out in Schedule A to this Part before each additional inspection is performed.

b. notwithstanding *Section 13.4.1.9.(a),* the owner is not required to pay a re-inspection fee where multiple inspections for framing and insulation in the same building are required during the months of November through March.

Subdivision 2 – Securities

13.4.2. 1. Damage Deposit for Municipal Protection – before the owner is issued a permit which proposes work of a value greater than $10,000 that includes excavation or construction on lands abutting a municipal highway, sewer, drain, water main or other municipal property, the owner shall execute a “Damage Deposit” form and deposit with the District the required security.

PART 13 - BUILDING
Division 4 - Issuance of Permits and Permit Fees

Subdivision 2 – Securities (Continued)

13.4.2. 2. No Damage by Owners – every owner to whom a permit is issued is responsible to ensure that no damage is caused to a municipal highway, sewer, drain, water main or other municipal property during the course of construction authorized by the permit, and if such damage should occur, the owner shall promptly and immediately repair the damage to the District's satisfaction, and if the owner does not do so, the owner is responsible for the District's costs to undertake repairs of that damage.

3 Use of Security – if the owner causes any damage to a municipal highway, sewer, drain, water main, or other municipal property which is not satisfactorily repaired by the owner, the District may provide written "Notice to Owner" of the District's use of the security and the District may repair the damage and use the security to recover the District's costs of repairs.

4. Insufficient Security – if the District's cost of repairs is greater than the security provided, the owner shall pay the amount of the insufficiency to the District forthwith upon receipt of the District of Kitimat' s invoice for that amount.

5. Return of Security – upon confirmation that municipal property has not been damaged or, if damage has occurred, that it has been satisfactorily repaired by the owner, the security shall be returned, less any repair costs incurred, upon the issuance of an occupancy permit for the building.

6. Replacement of Security – in the event that the District uses the security provided under Section 13.4.2.1. and the construction authorized by the owner's permit has not been completed, the owner must replace the security immediately upon request of a building inspector. If the building inspector is of the opinion that construction has proceeded to the point that any possibility of damage to municipal works or property has passed. Replacement security may be waived or amount reduced at sole discretion of the building inspector.

PART 13 - BUILDING
Division 4 - Issuance of Permits and Permit Fees

Subdivision 3 – Issuance of Permits

13.4.3. 1. Issuance of Permits - a building inspector shall issue a building permit for which application has been made only after the following requirements have been met:

a. a completed application for a permit has been submitted and all required supporting documentation, and the contents are satisfactory to the building inspector;

b. the proposed work set out in the application conforms with the *Building Code*, this Division, and Part 9 of the *Municipal Code;*

c. the owner has paid all applicable permit fees and provided all required security as set out in this Part;

d. the owner has paid all charges and met all requirements imposed by other Divisions and enactments in relation to the issuance of a building permit;

e. no covenant in favour of the District, agreement, enactment or regulation prevents or prohibits the work, or requires the permit to be withheld;

f. the owner has retained an architect if required by the provisions of the *Architects Act*;

g. the owner has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*.

2. Homeowner Protection Act – notwithstanding anything in this Division, a building permit shall not be issued unless the building inspector is provided with documentation required under the *Homeowner Protection Act.*

3. Expiry of Permit – every permit other than a demolition permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate when TWENTY-FOUR (24) months have elapsed from the date of issuance of the permit.

4. Expiration of Demolition Permit – a demolition permit shall expire SIX (6) months after the date of issuance.

PART 13 - BUILDING
Division 4 - Issuance of Permits and Permit Fees

Subdivision 3 – Issuance of Permits (Continued)

5. Extension of Building Permit – when a permit has expired before the work authorized by the permit has been completed, the owner may obtain a TWELVE (12) month extension on the permit to undertake or complete the work by paying an additional fee equal to 25% of the original building permit fee. An extension will only be granted once, thereafter a new building permit and the payment of an amount equal to the original building permit fee are required. Where construction has not actually commenced and the work authorized by the permit would contravene Part 9 of *Municipal Code*, the building inspector shall not grant an extension or issue a new permit.

6. Excavation Term Limit - when a site has been excavated for a building authorized by a building permit, but no construction within the excavation has been completed within SIXTY (60) days or the building permit has expired, upon written notice from a building inspector, the owner shall promptly fill in the excavation to restore the original site gradient. In the event that the owner has not undertaken the work required by the date specified on the written notice from the District, the District may undertake the work at the cost of the owner. The owner shall pay the cost forthwith upon receipt of the District's Invoice.

7. Permit Issuance Date – a building permit shall be deemed to have been issued as of the date the permit was signed by the building inspector.

PART 13 - BUILDING
Division 5 - Inspections and Field Reviews

Subdivision 1 – Professional Design and Field Review

13.5.1. 1. The owner shall provide all Schedules A, B, C-A and C-B as set out in Division C Part 2 of the Building Code where required by the *Building Code* or under this Part.

Subdivision 2 – Inspections of Standard Buildings

13.5.2. 1. Required Inspections – unless an owner has been required by the building inspector to have a registered professional conduct field reviews of the owner's standard building, every owner shall obtain an inspection and acceptance of the following work (where applicable for that building) at the following stages of construction:

a. Footing Forms – footing forms, before concrete is poured;

b. Foundation Forms – foundation forms before concrete is poured, and for the purposes of acceptance of this work, the owner shall provide clear evidence and marking of the property line opposite each building corner to confirm the required set back provided on the approved site plan. If the Building Inspector requires, the owner shall obtain the services of a suitable professional to provide a survey certificate showing the form work meets the required set-backs and provide a plan indicating the measurements to building corners from property line;

c. Pilings and Grade Beam – if applicable;

d. Utility Services – services that are connected from the District's utility system to the proposed dwelling being constructed, before being covered. Connections to Municipal Services are to be completed by the Municipality;

e. Drainage Works – weeping tile, drain rock, and insulation after damp proofing is completed and before backfilling;

f. Underslab Plumbing – underslab plumbing prior to any portion of the plumbing system being covered or concealed;

Subdivision 2 – Inspections of Standard Buildings (Continued)

g. Slab Seal – slab seal, including polyethylene sheeting and/or insulation under the floor slab, before the concrete is poured;

h. Rough In Plumbing - rough in plumbing with both water and sewer lines;

i. Framing – framing which includes installation and completion of structural framing, roofing, windows, doors, wiring, heating systems, and fireplaces, before installation of insulation, vapour barrier and interior wall finish, and for this inspection, a copy of the roof truss drawings, engineered beams and details regarding engineered floor joist system design and layout, as applicable, shall be available at the construction site;

j. Insulation – insulation and vapour barrier, heating system before interior wall finish is applied which would conceal the work;

k. Building Envelope – during installation process;

l. Final Inspection – after completing construction, but before occupancy or use.

2. No Work Concealed – no aspect of the work referred in Section 13.5.2.1. shall be covered or concealed prior to performance of the relevant inspection(s) and any required re-inspection(s).

3. Work to be Uncovered – every owner shall, if required by the building inspector, uncover work, remove construction materials and do everything else necessary for the building inspector to conduct an inspection under Section 13.5.2.1. of the Division.

4. Owner Must Call for Inspections - The owner shall give at least TWENTY-FOUR (24) hours notice to the building inspector of the owner's request for an inspection and the District is not required to undertake any inspection under this Division until requested by the owner.

PART 13 - BUILDING
Division 5 - Inspections and Field Reviews

Subdivision 2 – Inspections of Standard Buildings (Continued)

5. In the event that the owner has not requested an inspection that was required by this Division, the work to be inspected was covered or concealed, and the owner is not willing to uncover the work, the building inspector shall not issue an occupancy permit for the building unless a registered professional engaged by the owner certifies in writing that the work fully complies with the *Building Code*, this Division and the applicable building permit.

6. Plans Available – an owner is not entitled to an inspection of work under this Division unless a copy of the issued building permit and all building plans are available at the site and the civic address is clearly visible from the street.

Subdivision 3 – Professional Designed Building and Field Reviews

13.5.3. 1. Requirement for Field Review Letters of Assurance – when a registered professional provides letters of assurance required by the *Building Code* or by the building inspector under this Division, the registered professional must provide to the District copies of field reviews undertaken by the registered professional and the corresponding letters of assurance that the construction substantially conforms to the design and that the construction substantially complies with the *Building Code*, this part and other applicable enactments respecting health and safety.

2. Scheduled Field Reviews – the owner shall cause the registered professional to perform field reviews and notify the building inspector in advance of the date and time before field reviews are being conducted at the following stages of construction of a complex building:

a. Upon completion of building footing, foundation forms, and rebar;

b. Prior to backfilling on-site services including water, storm sewer and sanitary sewer;

c. Upon completion of base plumbing, rough plumbing, waterlines, and sprinkler systems;

d. Upon completion of fire rating and stopping in fire separations;

Subdivision 3 – Professional Designed Building and Field Reviews (Continued)

e. Upon completion of insulation and vapour barrier; and

f. Final inspection when an occupancy permit is sought.

PART 13 - BUILDING
Division 6 - Occupancy

Subdivision 1 – Occupancy Permits

Information Required Before Occupancy

13.6.1. 1. Requirement for Occupancy – no person shall occupy a building or structure or part of a building or structure until an occupancy permit has been issued by a building inspector.

2. Preconditions to Occupancy – an occupancy permit shall not be issued unless:

a. All letters of assurance and other required documents have been submitted as required by this Part;

b. All aspects of the work requiring inspection under this Part have been inspected and accepted by the building inspector;

c. Any inspection by the Fire Department or the Fire Chief and/or his designate that is required by the *Fire Services Act* or any Division of the *Municipal Code* has been satisfactorily performed.

3. A building inspector may not issue an occupancy permit in respect of a portion of a new building.

4. Provisional Occupancy - a building inspector may issue a provisional occupancy permit to the owner of a single or two family dwelling where winter weather conditions have prevented the completion of stucco or other exterior finishing, provided the following conditions have been satisfied:

a. The building exterior is in the opinion of the Building Inspector sufficiently weatherproofed to prevent moisture penetration for the duration specified in the Temporary Occupancy Permit; and

b. The owner requests, in writing, a Provisional Occupancy Permit and provides a security in the amount of TWO THOUSAND dollars ($2000) in respect of the owner's obligation to complete the exterior of the building not later than July 31 of the year immediately following the year in which the Provisional Occupancy Permit was issued, and the security shall be forfeited to the District if the work is not so completed.

PART 13 - BUILDING
Division 6 - Occupancy

Subdivision 1 – Occupancy Permits (Continued)

13.6.1. 5. A provisional occupancy permit may be issued by the Building Inspector for a multi-family dwelling in a bare land strata development where a Phased Strata Plan has not been filed with the Approving Officers provided the following conditions have been satisfied:

a. The building is completed in all aspects including exterior finish and life safety requirements;

b. The developer provides a letter stating all remaining works be completed with ONE year(1) of the occupancy;

c. The developer posts a bond or certified cheque in the amount of 1.25 times the value of the remaining works to guarantee completion of works in the term provided or the bond or cheque will be forfeited;

d. Unrestricted, safe and suitable access to the building is maintained;

e. Any other requirements deemed necessary.

PART 13 - BUILDING
Division 7 - Notices and Enforcement

Subdivision 1 – Disclaimer of Warranty or Representation

13.7.1. 1. Neither the issuance of a permit under this Part, the review and acceptance of the design, drawings, plans or specifications for a building or structure, nor inspections made by a building inspector, shall constitute a representation or warranty that the Building Code or this Part have been complied with or that the building or structure meets any standard of materials and workmanship, and no person shall rely on any of those acts as establishing compliance with the *Building Code* or this part or any standard of construction.

Subdivision 2 – Stop Work Notices

13.7.2. 1. Building Inspector May Issue Notice – a building inspector may order the cessation of any work that is proceeding in contravention of the applicable permit, the *Building Code*, or this Part by posting a Stop Work Notice.

2. Work Must Stop – the owner of property on which a stop work notice has been posted, and every other person working on site, shall cease construction work immediately and shall not do any work other than such work as the building inspector specifically authorizes to be done to make the premises safe, until all applicable provisions of the permit, the *Building Code* and this part have been complied with and the Stop Work notice has been rescinded in writing by a building inspector.

Subdivision 3 – No Occupancy Notices

13.7.3. 1. Building Inspector May Issue Notice – where a person occupies a building or part of a building before issuance of an occupancy permit required by this Part, a building inspector may post a Do Not Occupy Notice on the building or structure, or affected part of it.

2. Occupancy Must Cease – the owner of property on which a Do not Occupy Notice has been posted, and every person who occupies the building, shall cease occupancy of the building immediately and shall not occupy it until all applicable provisions of the applicable permit, the *Building Code* and this Part have been complied with and the Do Not Occupy Notice has been rescinded in writing by a building inspector.

PART 13 - BUILDING
Division 7 – Notices and Enforcement

Subdivision 4 – Penalties and Enforcement

13.7.4.

1. An offence is committed against this Part by every person who:

   a. Commences or continues any construction, alteration/renovation, reconstruction, demolition, removal, relocation of any building or structure or plumbing system, without a permit if a permit is required;

   b. Uses or occupies any building or structure without a permit if a permit is required;

   c. Fails to comply with any of the terms or conditions of the permit issued under this Division;

   d. Allows any act or thing to be done in contravention or violation of this Division or any permit issued under this Part;

   e. Fails to comply with any order or notice given under this part; or

   f. Violates any of the provisions of this Part.

2. Every person who commits an offence under this Part is liable upon summary conviction to a fine not exceeding TEN THOUSAND dollars ($10,000).

3. Each day of any violation, contravention or breach of this Division or a permit issued under it shall be deemed to be a separate and distinct offence.

4. The persons appointed to the job positions of titles under the *Municipal Code*, *Section 1.3.1* are designated as Bylaw Enforcement Officers for the purposes of issuing tickets under this Part.

5. The words or expressions set forth in column 1 of the *Municipal Code*, Section 1.3.2 designate the offence committed under the Division Section Number appearing in Column 2 opposite the respective words or expressions for the purposes of issuing tickets under the *Community Charter.*

6. The amounts appearing in Column 3 of the *Municipal Code*, *Section 1.3.2* are the fines set pursuant to the Community Charter for the corresponding offences designated in column 1 for the purposes of issuing tickets under the *Community Charter*

PART 13 - BUILDING
Division 7 – Notices and Enforcement

Subdivision 4 – Penalties and Enforcement (Continued)

7. Nothing in this Division shall limit the District from pursuing any other remedy that would otherwise be available for a contravention of this Part.

Subdivision 5 – Severability

13.7.5. 1. If any section, subsection, clause or phrase of this Part is for any reason held to be invalid or illegal by a decision of any court of competent jurisdiction, it shall be severable, and such a decision shall not affect the validity or the remaining sections, subsections, clauses or phrases of this Division.

Subdivision 6 – Section Headings

13.7.6. 1. Section or subsection headings are inserted in this Part for ease of reference and are not to be used in interpreting this Part.

Subdivision 7 – Schedules

13.7.7. 1. Schedule A – Fees and Charges form part of this Division.

PART 13 - BUILDING
Division 8 - Building Construction and Demolition Waste

Subdivision 1 – Interpretation

13.8.1. 1. Unless otherwise specified, the following will apply to this Division.

**District** means the District of Kitimat

**Division** means Part 13, Division 8 of the *Kitimat Municipal Code*

**Municipal Engineer** means the Director of Engineering Services of the District of Kitimat or their authorized representative

**Owner** means the owner or occupier of real property

**Person** has the same meaning as defined in the *Interpretation Act*

**Solid Waste** means discarded or abandoned materials, substances or objects produced from the construction, renovation and demolition of buildings and other structures

Subdivision 2 – Building Construction and Demolition Operations

13.8.2 1. No Person carrying out building construction or demolition operations shall:

a. without the written permission of the Municipal Engineer, place or dump the Solid Waste on any lane, street, walkway, sidewalk or any public place in the District, or

b. accumulate such Solid Waste on the premises where such building construction or demolition operation is being carried out without having obtained from the Municipal Engineer written terms specifying the terms and time frame for disposing of such waste.

Kitimat Municipal Code, CONVENIENCE COPY. The District of Kitimat accepts no responsibility for errors or omissions in this consolidation. A CERTIFIED COPY is available from the Municipal Clerk, District of Kitimat.

SCHEDULE A

# DISTRICT OF KITIMAT
**FEES AND CHARGES**

KITIMAT
BUILDING INSPECTION DEPARTMENT
Ph. 250-632-8900 Fax: 250-632-4995

| | |
|---|---|
| **Plan Processing** | |
| Detached Building <10m$^2$ | $35.00 |
| New Standard Building | $150.00 |
| New Complex Building | $250.00 |
| Addition/Renovation Standard Building | $100.00 |
| Addition/Renovation Complex Building | $200.00 |
| **Building Permit (per $1000 construction value accumulative)** | |
| Base Fee – up to $1000 | $40.00 |
| $1,001 to $100,000 | $6.00 |
| $100,001 to $1,000,000 | $5.50 |
| $1,000,001 to $2,000,000 | $5.00 |
| Over $2,000,000 | $4.00 |
| **Plumbing Permit (min. $25)** | |
| 5 Fixtures | $10.00 |
| Each additional Fixture | $4.00 |
| Low Pressure Septic System | $10.00 |
| **Fire Sprinkler Permit** | |
| Permit Fee | $50.00 |
| Sprinkler Head | $.50 |
| **Demolition Permit** | |
| Basic Fee | $50.00 |
| **Fence Permit, Security Fence Permit, Deck & Shed Permits** | |
| A Shed or Deck | $40.00 |
| Fence or Security Fence | $10.00 |
| **Solid Fuel Burning Appliance Permit** | |
| Basic Fee | $50.00 |
| **Re-Inspection** | $50.00 |
| Driveway & Parking | |
| • Areas 65m$^2$ or less | $10.00 |
| • Areas > 65m$^2$ | See 13.1.4.4.3 |
| **Damage Deposit** | |
| New Standard Building | $1,000.00 |
| Complex Building | $5,000.00 |
| Demolition Permit (if required) | $1,000.00 |

SCHEDULE “A” Continued

| | |
|---|---|
| **Construction Trailer Complex** | |
| Fees | See Building Permit Fees |
| Deposit (per unit) | $1,000.00 |
| Annual Renewal Fee (per unit) | $100.00 |
| **Construction Trailers** | |
| Fees (per unit) | $100.00 |
| Deposit (per unit) | $1,000.00 |
| Annual Renewal Fee (per unit) | $100.00 |

PART 14 - HAZARD LANDS
Division 1 - Floodplain Management

Subdivision 1 - Definitions

14.1.1. For the purpose of Part 14, Division 1, all words and phrases have their normal or common meaning and the definitions elsewhere within the Code apply unless the context otherwise requires or the definitions elsewhere within the Code have been changed, modified or expanded by the definitions below:

**Alluvial Fan** means the alluvial deposit of a stream where the stream issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy of persons, animals or property.

**Designated Flood** means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large watercourse is controlled by a major dam, the designated flood shall be set on a site-specific basis.

**Designated Flood Level** means the observed or calculated elevation for the Designated Flood and is used in the calculation of the Flood Construction Level. (See Diagram 1)

**Dike** means an embankment, wall, fill, piling, pump, gate, floodbox, pipe, sluice, culvert, canal, ditch, drain or any other structure or assembly that is engineered and constructed, assembled or installed to prevent the flooding of land, approved under the authority of the *Dike Maintenance Act*, RSBC 1996, c. 95 and maintained by the local government diking authority;

**District** means the District of Kitimat.

**Dwelling Unit** means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing eating, living, sleeping, sanitary and cooking facilities.

**Farm Building** means a Building or part thereof which does not contain a residential occupancy and which is associated with and located on, land devoted to the practice of agriculture, and used for

the housing of equipment or livestock, or the production, storage or processing of agriculture or horticultural produce or feeds.

**Fixed Equipment** means equipment that is intended to be permanently fixed within a facility, including, but not limited to: generators, heating ventilation and air conditioning equipment, electrical works, furnaces, base-board heaters and hot water tanks.

**Flood Assurance Statement** means the statement completed in conjunction with the current Engineers and Geoscientists BC Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate, as amended from time to time, and is provided to the District for the purposes of the *Land Title Act*, *Community Charter,* SBC 2003, c. 26 or the *Local Government Act,* RSBC 2015, c. 1.

**Flood Construction Level** means the Designated Flood Level plus the allowance for Freeboard and is used to establish the elevation of the underside of a wooden floor system or top of a concrete slab for any Habitable Area as measured from the natural boundary of a watercourse or the sea. In the case of a Mobile Home the Designated Flood Level is the Flood Construction Level for the top of the Pad. (See Diagram 1)

**Flood Fringe** means the area inundated with water during a flood, but not expected to substantially contribute to flow conveyance.

**Floodplain** means a lowland area, whether diked, floodproofed, or not, which, by reasons of land elevation, is susceptible to flooding from an adjoining watercourse, ocean, lake or other body of water and for administration purposes is taken to be that area submerged by the Designated Flood plus Freeboard and denoted as FCL extents within Schedule “A”. (See Diagram 1)

**Floodway** means the channel of the watercourse and those portions of the flood plains that are reasonably required to discharge the flood flow of a Designated Flood. A minimum floodway shall be equal to the width of the channel within the Natural Boundary plus a minimum setback of thirty (30) metres from the Natural Boundary on each side of the channel or channels unless otherwise approved.

**Freeboard** means a vertical distance added to the Designated Flood Level and is used to establish the Flood Construction Level. For the purpose of this Part freeboard is equal to 30 cm. (See Diagram 1)

**Geodectic Survey of Canada (G.S.C.)** refers to the datum elevation above mean sea level.

**Habitable Area** means any room or space within a Building or Structure that is or can be used for human occupancy, commercial sales, or storage of goods, possessions, or equipment (including furnaces) that would be subject to damage if flooded. (See Diagram 1)

**Heavy Industry** means such uses as manufacturing or processing of wood and paper products, metal, heavy electrical, non-metallic mineral products, petroleum and coal products, industrial chemicals and by-products, and allied products.

**Landfill** means the placement of sand, gravel, earth, rock or any combination thereof placed or deposited by persons to raise the level of the ground but does not include building or construction debris.

**Manufactured Home** means a structure manufactured as a unit, intended to be occupied in a place other than at its manufacture, and designed as a Dwelling Unit, and includes mobile homes, and specifically excludes Recreational Vehicles.

**Municipal Engineer** means the Director of Engineering Services of the District of Kitimat or their authorized representative.

**Natural Boundary** means the visible high water mark of any lake, river, stream, the sea or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, the sea or other body of water a character distinct from that of the banks thereof, in respect of vegetation, as well as in respect to the nature of the soil itself. In addition, the Natural Boundary includes the best estimate of the edge of dormant or old side channels and marsh areas as confirmed by a British Columbia land surveyor. (See Diagram 1)

**Natural Ground Elevation** means the undisturbed ground elevation prior to site preparation.

**Pad** means a surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a Manufactured Home, or any other Habitable Area.

**Part** means Part 14, Division 1 of the *Code.*

**Professional Engineer** means a person who is a member of the Association of Professional Engineers and Geoscientists of the Province of British Columbia and registered or licensed under the *Engineers and Geoscientists Act*, RSBC 1996, c. 116 and *Professional Governance Act*, SBC 2018,c. 47 and regulations thereunder.

**Provincial Guidelines** mean the policies, strategies, objectives, standards, guidelines and environmental management plans, in relation to flood control, flood hazard management and development of land that is subject to flooding, prepared and published by the environment minister under section 5 of the *Environmental Management Act*, SBC 2003, c. 53 including as of the date of adoption of this Bylaw the Province of British Columbia, Ministry of Water, Land and Air Protection, Flood Hazard Area Land Use Management Guidelines dated May 2004 and Amended by: Ministry of Forests, Lands, Natural Resource Operations and Rural Development, January 1, 2018, as amended or replaced from time to time.

**Recreational Vehicle** means a portable structure designed and built to be carried on a vehicle or a unit designed and built to be transported on its own wheels to provide temporary living accommodation for travel and recreational purposes and includes such vehicles as a motorhome, fifth wheel, camper, travel trailer, and tent trailer.

**Sea** means the Douglas Channel.

**Section 219 Covenant** means a contractual agreement and covenant registered against the subject lands, in priority to charges of a financial nature, under Section 219 of the *Land Title Act*, with terms satisfactory to the District that will include but not be limited to:

a. a comprehensive waiver of liability, release and indemnification of the District;
b. an acknowledgement of the dangers in building and occupying lands subject to flooding;
c. reference to, attachment of and conditions of a Professional Engineer's report that includes certification that the subject lands, and if applicable, the proposed development on the subject land, may be used safely for the intended purpose;
d. with respect to any redevelopment at the end of the building lifespan, any future reconstruction must meet the Flood Construction Level and Setback requirements in force at the time of redevelopment.

**Setback** means the required minimum distance, measured horizontally, that a structural support or Landfill, required to elevate a floor system or Pad above the Designated Flood Level, must be separated from the Natural Boundary to maintain a Floodway and to allow for potential erosion. (See Diagram 1)

**Standard Dikes** means those dikes built to a minimum crest elevation equal to the Flood Construction Level and meeting standards of design and construction approved by the Ministry of Water, Land and Air Protection and maintained by an ongoing authority such as a local government body.

**Stream** means:

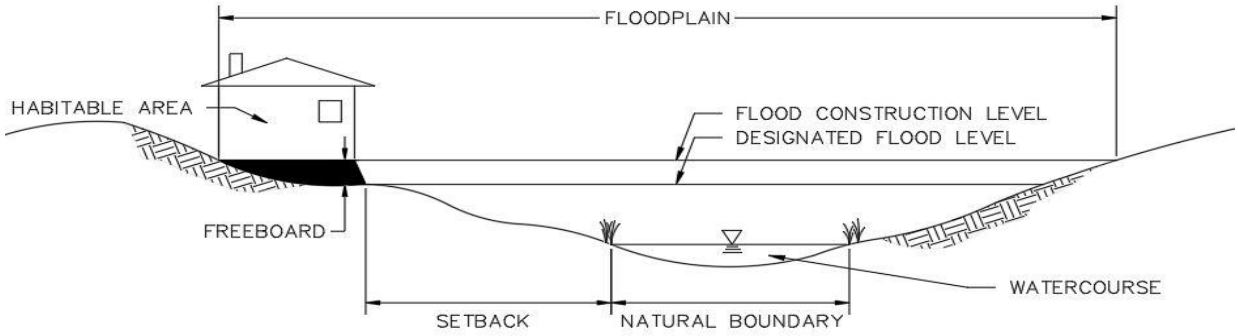
a. a natural watercourse, including a natural glacier course, or a natural body of water, whether or not the stream channel of the stream has been modified, or
b. a natural source of water supply, including, without limitation, a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, whether or not usually containing water, including ice, but does not include an aquifer.

**Structure** means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.2 metres in height.

**Watercours**e means any natural or man-made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

**Wetland** means land seasonally or permanently covered by water and dominated by water-tolerant vegetation. Wetlands include swamps, marshes, bogs and fens but not lands periodically flooded for agricultural purposes.

**Diagram 1 Cross Section of Typical Floodplain**




*Note: This diagram is provided for illustrative purposes only for the terms defined in this Part of the Code.*

Subdivision 2 – Administration and Enforcement

14.1.2.1. Without limiting the authority of the Bylaw Enforcement Officer within Subdivision 2 of Division 2 of Part 1 – General Provisions – of this Code, the Municipal Engineer and Bylaw Enforcement Officer may:

a. enter, at all reasonable times, upon any land, Building, Structure or premises for the purpose of ascertaining that the requirements of this Part are met and in accordance with Section 16 of the *Community Charter*; and
b. issue applicable notices and orders to any owner, occupier or other person who appears to have committed or allowed a contravention of this Part.

14.1.2.2. No person shall prevent or obstruct the Municipal Engineer and Bylaw Enforcement Officer from performing their duties under this Part.

14.1.2.3. The District may require that a British Columbia Land Surveyor's certificate be obtained by and at the cost of the property owner to verify compliance with the Flood Construction Level and Setback provisions of this Part.

Subdivision 3 – Intent

14.1.3.1 The purpose and objectives of this Part is to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to reduce the risk of injury, loss of life, property damage and loss of floodwater storage and attenuation due to the placement of constructed works in the Floodplain and near Watercourses and waterbodies where flooding or erosion risk is evident or possible.

Subdivision 4 – No Representations

14.1.4.1 By the enactment, administration or enforcement of this Part, or the granting of a site-specific exemption, the District does not represent to any person that any Building or Structure, including a Manufactured Home, located, constructed, or used in accordance with the regulations of this Part or in accordance with any advice, information, direction, or guidance provided by the District in the course of administration of this Part will not be damaged by flooding, erosion or other hazard, natural or otherwise or that any person will not be harmed. Building and living within a Floodplain is solely the responsibility of, and at the risk of, the owners and occupants of such lands.

Subdivision 5 – Compliance with Other Laws

14.1.5.1 Nothing contained in this Part shall relieve any person from the responsibility to ascertain and comply with all other applicable Parts of the Code, Provincial and Federal enactments and regulations.

Subdivision 6 – General Prohibitions

14.1.6.1 No person shall construct, build, erect, or place, or allow to be built, erected, or placed any Building or Structure contrary to the provisions of this Part.

14.1.6.2. Without limiting section 14.1.6.1, no person shall:

a. construct, build, reconstruct, alter, move, extend, erect or place, or allow to be built, reconstructed, altered, moved, extended, erected or placed any Building or Structure within the Floodplain contrary to the provisions of this Part; and
b. extend any compacted Landfill required to support a floor system or Pad within any Floodplain Setback contrary to the provisions of this Part.

Subdivision 7 – Floodplain Designations

14.1.7. The following lands are designated as Floodplain.

a. Land identified as Floodplain on Schedule “A1 & A2” the Kitimat River Flood mapping (prepared in 2022), forming part of this Part.
b. Land within the floodplain Setbacks specified in Section 14.1.8.1 of this Part.
c. Land lower than the Flood Construction Levels specified in Section 14.1.9.1 of this Part.

Subdivision 8 – Setback Requirements

14.1.8.1 Unless specific elsewhere in this Part, no Landfill or portion of a Landfill slope, or structural support required to support a floor system or Pad above the Designated Flood Level, shall be constructed, reconstructed, moved, extended or located:

a. within the Floodway;
b. within the Flood Fringe;
c. within an Alluvial Fan;
d. within thirty (30) metres from the Natural Boundary of the Kitimat River.
e. within thirty (30) metres from the Natural Boundary of the Sea.
f. within 15 metres from the Natural Boundary of any Wetland, lake or pond.
g. within fifteen (15) metres from the Natural Boundary of any other Watercourse
h. within 7.5 metres of a Standard Dike right of way; and
i. within 30 metres of a Dike right of way.

14.1.8.2. Where more than one Floodplain setback is applicable, the greater of them shall be the floodplain setback.

Subdivision 9 – Flood Construction Level

14.1.9.1. No Building, Structure, Manufactured Home or any part thereof shall be constructed, reconstructed, moved, extended, or located, where the underside of any wooden floor system or top of a slab or Pad of any Habitable Area is located below:

a. the Flood Construction Level for a specific parcel, as determined by interpolation from those flood construction levels shown for land identified as floodplain on:
   i. The “1:200 Year Storm Event” as outlined on the Kitimat River Flood Mapping Schedule “A” attached to and forming part of this Bylaw;

or where such mapping is not available, the maximum elevation of:

b. three (3) metres above the Natural Boundary of the Kitimat River, where that land is within a distance of 200 metres of that Watercourse;
c. one and one half (1.5) metres above the Natural Boundary of any other Watercourse,
d. one and one half (1.5) metres above the Natural Boundary of the Sea, any lake, Wetland or pond where that land is within a distance of 100 metres of the Sea, any lake, Wetland or pond.
e. a horizontal distance equal to 3.0 times the height of a steep bluff as measured from the toe or crest of the bluff if the building site is at the top of a steep bluff and where the toe of the bluff is subject to erosion or is closer than 15 metres from a Natural Boundary unless the property owner, at the owner's expense, has provided:
   i. a report prepared by a Professional Engineer in accordance with the Provincial Guidelines and the Engineers and Geoscientists of British Columbia's Professional Practice Guidelines Legislated Flood Assessments in a Changing Climate, as amended from time to time, and that provides a description of the proposed development and species conditions that would enable the subject land, and if applicable, the existing Buildings and Structures on the subject land, to be safely used for the intended purpose and, if applicable, subject to the conditions identified within the Professional Engineer's report;

ii. the Professional Engineer's completed Flood Assurance Statement; and
iii. a Section 219 Covenant

14.1.9.2. The required elevation may be achieved by structural elevation of the said Habitable Area, business or storage area or by adequately compacted Landfill on which any Building or Structure is to be constructed or a Manufactured Home or unit located, or by a combination of both structural elevation and Landfill. No area below the required elevation shall be used for the installation of furnaces or other Fixed Equipment susceptible to damage by floodwater. Any structural support or compacted Landfill shall be protected from scour and erosion, and a Professional Engineer must certify the suitability of the Landfill or Structure as safe for the intended use.

14.1.9.3. Where Landfill is used to raise the Natural Ground Elevation, it should be adequately compacted and the toe of the Landfill slope should be no closer to the Natural Boundary than the prescribed Setback. In addition, the face of the Landfill slope should be adequately protected against erosion from flood flows, wave action, ice or other debris.

Flood Protection Requirements

Subdivision 10 – General Flood Construction Level Exemptions

14.1.10.1. The following types of development are exempt or partially exempt from the provisions of this part relating to Flood Construction Levels:

a. For existing Buildings and Structures that were lawfully constructed and existing on the date of adoption of this Part:
   i. non-structural alterations;
   ii. a structural alteration that does not involve an addition or conversion of any non-Habitable Area to Habitable Area; and
   iii. construction or addition to carports and garages used only for the parking or storage of vehicles and goods not damageable by floodwater;

b. Additions to existing Buildings and Structures that were lawfully constructed and existing on the date of adoption of this Part provided that the addition:
   i. would not increase the floor area by more than twenty-five (25%) percent or a maximum of 50 square metres, whichever is less;
   ii. is constructed at an elevation not lower than the existing Building or Structure;
   iii. does not include the creation of a new Dwelling Unit;
   iv. does not include a furnace, hot water tank, main electrical switchgear or panel, or other Fixed Equipment susceptible to damage by floodwater located below the FCL;
   v. does not include the expansion or addition of a basement;
   vi. a section 219 Covenant is registered on title when needed.

c. For new Buildings and Structures, the following may be located below the Flood Construction Level:
   i. a Building or Structure or portion of a Building or Structure to be used only as a Garage or carport or used only for the parking or storage of vehicles and storage of goods not damageable by flood waters;
   ii. that portion of a building used as crawl space (not exceeding 1.5 metres in height);
   iii. domestic greenhouses and storage buildings used for the storage of goods not damageable by floodwaters;
   iv. hot water tanks and furnaces behind Standard Dikes, provided the main electrical switch gear is placed above the Flood Construction level;
   v. that portion of a Building or Structure to be used only as an entryway or porch;
   vi. open-sided recreation shelters susceptible to only marginal damage by floodwaters;
   vii. open-sided livestock structures, and Farm Buildings other than Dwelling Units and closed sided livestock structures behind Standard Dikes;
   viii. closed-sided livestock structures not behind Standard Dikes provided they are located with the underside of a wooden floor system or the top of the Pad no lower than 1.0 metre above the Natural Ground Elevation;
   ix. Heavy Industry behind Standard Dikes;
   x. on-loading and off-loading facilities associated with water-oriented industry and portable sawmills

provided the main electrical switchgear is placed above the Flood Construction Level;

xi. recreation shelters, stands, campsite washrooms and washhouses, and other outdoor recreation facilities not susceptible to flood damage;

xii. Farm Dwelling Units on parcels of 8.0 hectares or greater and within the Agricultural Land Reserve shall be located with the underside of a wooden floor system or the top of the Pad of any habitable area (or in the case of a Manufactured Home, the top of the Pad or the ground surface on which is located no lower than 1.0 metres above the Natural Ground Elevation taken at any point on the Building, or no lower than the Flood Construction Levels whichever is the lesser.

Subdivision 11 – Site Specific Exemption Applications

14.1.11.1. Property owners may apply to the District for a site specific exemption pursuant to sections 524(7) and 524(8) of the *Local Government Act*. Applications must be in writing, and decisions on exemptions are by resolution of Council of the District. Conditions of approval include but are not limited to, receipt of a Flood Assurance Statement from and a report by a Professional Engineer that the subject land, and if applicable, proposed development on the subject land may be safely used for the intended purpose, and a Section 219 Covenant is registered on title.