

POLICY-PROCEDURE MANUAL

TITLE: BYLAW ENFORCEMENT – REMEDIAL ACTION Policy B-07

PREPARED BY: AUTHORIZED BY: DATE OF ISSUE OR REVISION:

Administration

Council

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DEFINITION

Enforcement Officer means the designated bylaw enforcement officers as defined in Part 1, Division 3 of the *Kitimat Municipal Code*.

OBJECTIVE

When a condition exists that is a contravention of the *Kitimat Municipal Code*, a Municipal Official is authorized to remedy the contravention.

The Bylaw Enforcement – Remedial Action Policy sets out the process in which the Municipal Official will follow to remedy the contravention to the *Kitimat Municipal Code*.

PROCEDURE

Remedial Action Order

1. Where authorized by bylaw and where a condition exists that is a contravention of the *Kitimat Municipal Code* an Enforcement Officer may issue an order to comply. The order to comply will require the person to remedy the nuisance or non-compliance within a date period determined as outlined:
 - a. within fourteen (14) days of deemed service, or
 - b. on a date an Enforcement Officer considers reasonable in the circumstances if, in the opinion of the Chief Administrative Officer, or delegate, a further period of time is required due to:
 - i. the quantity of rubbish or other material, or amount of graffiti to be removed;
 - ii. any disability or physical limitations of the person to whom the order to comply is directed; or
 - iii. weather conditions at the time of issuing an order to comply.
2. An order to comply may be served on an owner or occupier of real property and is deemed to be served when the District has:
 - a) mailed, by registered mail, a copy of the order to comply to the address of the owner shown on last revised real property assessment roll;
 - b) delivered a copy of the order to comply by regular mail, by courier, or by hand to the owner of the real property at the address shown on the last revised real property assessment roll; and

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- c) placed the order to comply in a mailbox or other receptacle for the receipt of mail on the real property or
 - d) posted a copy of the order to comply on the real property.
3. Where a condition exists that is a contravention of any of the provisions of the *Kitimat Municipal Code* when, acting reasonably, there is a potential for immediate harm to a person or the environment, an Enforcement Officer may issue an order to comply requiring the person to remedy the nuisance or non-compliance within a period of time reasonable in the circumstances.
4. For a non-compliance order issued in accordance with section 3 of this Policy, an order to comply may be served on an owner or occupier of real property and is deemed to be served when the District has:
- (a) placed the order to comply in a mailbox or other receptacle for the receipt of mail on the real property; or
 - (b) posted a copy of the order to comply on the real property.

Non-Compliance with Remedial Action Order

5. Where the property owner has failed to remedy the contravention, the Enforcement Officer will forward a report to the Chief Administrative Officer, or delegate, and the Corporate Officer noting the contravention, the failure to remedy, and process followed in issuing the remedial action order.
6. Upon the direction of the Corporate Officer, the Enforcement Officer will take steps necessary to perform the remedial action directed in the Remedial Action Order.
7. Upon completion of the remedial action, the Enforcement Officer will have an invoice for the remedial action delivered to the Property Owner of the real property at the address shown on the last revised real property assessment roll.

Unpaid Amounts of Remedial Action Order

8. In accordance with section 9.12.2.13 of the *Kitimat Municipal Code*, the Director of Finance, or delegate, will apply any unpaid amount of the remedial action invoice as of December 31 to taxes as property taxes in arrears.