

DISTRICT OF KITIMAT

BYLAW NO. 2035, 2023

A BYLAW TO AMEND THE KITIMAT MUNICIPAL CODE WITH RESPECT TO THE DEPOSIT OF EXCAVATED MATERIAL WITHIN THE DISTRICT OF KITIMAT

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WHEREAS the *Community Charter* provides that a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services;

AND WHEREAS the Council of the District of Kitimat wishes to amend the *Kitimat Municipal Code* with respect to excavated material;

AND WHEREAS, the District of Kitimat has a consolidation of regulatory bylaws referred to as the *Kitimat Municipal Code*;

NOW THEREFORE the Council of the District of Kitimat in open meeting assembled ENACTS AS FOLLOWS:

1. This bylaw may be cited as "Excavated Material Bylaw No. 2035, 2023".
2. That the *Kitimat Municipal Code* is amended by repealing Part 7 – Public Health, Division 2 – Solid Waste Disposal, Subdivision 6 – Excavated Material.
3. That the *Kitimat Municipal Code* be amended to add Part 7 – Public Health, Division 8 – Excavated Material as follows:

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.
4. Part 1 – General Provisions, Division 3 – Municipal Ticket Information Systems, Subdivision 2 – Designation of Offences and Fines be amended by:

Repeal the following:

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| Depositing excavated material contrary to Kitimat Municipal Code | 7.2.6 | \$75 |
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Add the following:

|  |         |      |
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| Depositing excavated material contrary to Kitimat Municipal Code | 7.8.2.2 | \$75 |
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5. This bylaw shall take effect and be binding upon all persons as from the date of adoption.

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|-------------------------|-------------------------|--------------|
| READ a first time this  | 17 <sup>th</sup> day of | July, 2023   |
| READ a second time this | 17 <sup>th</sup> day of | July, 2023   |
| READ a third time this  | 17 <sup>th</sup> day of | July, 2023   |
| FINALLY ADOPTED this    | 8 <sup>th</sup> day of  | August, 2023 |

MAYOR

\_\_\_\_\_  
Philip Germuth

CORPORATE OFFICER

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Tracy Tavares