
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;

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

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
 Royal Canadian Mounted Police
 Municipal Engineer
 Operations Manager
 Deputy Operations Manager
 Roads Foreman
 Site Personnel

Added Bylaw No. 2040, 2023

PART 9 - PLANNING

Bylaw Enforcement Officer
 Royal Canadian Mounted Police
 Municipal Engineer
 Director of Community Planning
 Works Superintendent
 Animal Control Officer

PART 13 - BUILDING

Bylaw Enforcement Officer
 Royal Canadian Mounted Police
 Municipal Engineer
 Building Inspector

"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 or 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

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

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

PART 1, DIVISION 3

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

	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	Column 2	Column 3
	Offence	Section	Fine
	Wasting Water	6.3.8.1.	\$50

PART 7 - PUBLIC HEALTH

Column 1 Offence	Column 2 Section	Column 3 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

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

	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	<i>Repealed</i>
Deleted - Bylaw No. 2037, 2023	Depositing excavated material contrary to Kitimat Municipal Code	7.2.6	<i>Repealed</i>
Deleted - Bylaw No. 2037, 2023	Placing Prohibited Waste in a receptacle	7.2.7.1	<i>Repealed</i>
Deleted - Bylaw No. 2037, 2023	Placing Garbage in a Commercial receptacle contrary to Kitimat Municipal Code	7.2.7.2	<i>Repealed</i>
Deleted - Bylaw No. 2037, 2023	Commercial Premise receptacle contrary to Kitimat Municipal Code	7.2.7.3, 7.2.7.9	<i>Repealed</i>
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	<i>Repealed</i>
Deleted - Bylaw No. 2037, 2023	Improper storage of Garbage	7.2.7.5	<i>Repealed</i>
	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 <i>Cremation, Interment and Funeral Services Act</i>	7.4.22.8	\$100
Added – Bylaw No. 2060, 2024	Disturbing or interfering in accordance with section 48 of the <i>Cremation, Interment and Funeral Services Act</i>	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, DIVISION 3

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 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
	9.12.2.8	
Noxious or destructive insects		\$100
Failure to remove unsightly accumulations	9.12.2.9	\$100
Unlicensed Motor Vehicles	9.12.2.10	\$100

PART 13 - BUILDING

Column 1 Offence	Column 2 Section	Column 3 Fine
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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
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
Accumulate Solid Waste during building construction or demolition operations without permission	13.8.2.b	\$75

Added - Bylaw No. 2036, 2023

Added - Bylaw No. 2036, 2023

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

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- 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.

Mail Ballot Voting Procedure

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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

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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.

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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.

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 themselves 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.

Subdivision 1 - The Commission

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

Subdivision 2 - Interpretation

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

Subdivision 3 - Purpose

- 1.7.3. 1. The Commission shall act in an advisory capacity to the Council in planning, developing and implementing recreational programs in the municipality.

Subdivision 4 - Composition of Commission

- 1.7.4. 1. The members of the said Commission, all of whom shall have voting powers, shall be appointed as follows:
- a. one member of the Board of School Trustees of School District No. 80 (Kitimat) who shall be appointed by resolution of the said Board in January of each year;
 - b. one member of the Council of the District of Kitimat who shall be appointed by resolution of the said Council in January of each year; and
 - c. five persons who reside or are employed within the District of Kitimat who shall be appointed by resolution of the Council of the District of Kitimat;
 - d. the current President of the Mount Elizabeth Secondary School Student Council, or delegate.

Subdivision 4 - Composition of Commission (Continued)

- 1.7.4. 2. a. The members of the Commission who are members of the Council or of the Board of Trustees shall hold office for ONE (1) year.
- b. The members of the Commission who have been appointed under Section 1.7.4.1.c. hereof shall hold office for TWO (2) years provided that on the first appointment of such members, the Council shall designate THREE (3) members who shall hold office for TWO (2) years and TWO (2) members who shall hold office for ONE (1) year.
- c. the student Council President, or delegate, shall serve for the September to June school term.
3. Appointments to the said Commission shall be made during the month of March in each year with the exception of the first appointments which shall be made in the month of July and in all cases, the initial ONE (1) year appointments shall expire on the 31st day of March 1976, and all initial two (2) year appointments shall expire on the 31st day of March, 1977.
4. Except for a Councillor or a School Trustee, no person shall be appointed for more than two consecutive terms, but shall be eligible for reappointment after being off the Commission for twelve months.
5. Notwithstanding 1.7.4.4. persons appointed for a term expiring March 31st, 1976 may be reappointed for not more than TWO (2) year terms.
6. If a member of the Commission is continuously absent except because of illness or with leave of the Commission, from the Commission for a period of three consecutive regular meetings, he shall be automatically disqualified from holding office for the remainder of his term and Council shall be so advised by the Secretary.
7. The Council may, by an affirmative vote of not less than two-thirds of all members thereof, remove any member of the Commission.
8. The members of the Commission shall serve without remuneration.

Subdivision 5 - Officers

- 1.7.5. 1. The Commission shall annually from its own members, appoint a Chairman and a Vice-Chairman.
2. When the Municipality has a Leisure Services Director on staff he shall attend the meetings of the Commission. As advisor in the absence of a Leisure Services Director, the Chief Administrative Officer or a member of staff delegated by him shall attend the meetings of the Commission.
3. The Chief Administrative Officer shall appoint a person from the municipal staff to serve as Secretary to the Commission.

Subdivision 6 - 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.

Subdivision 7 - Quorum

- 1.7.7. 1. The quorum necessary for the transaction of business of the Commission shall be FOUR (4).

Subdivision 8 - Meetings

- 1.7.8. 1. The Commission shall meet at least once a month on a fixed date, time and place and all such meetings shall be open to the public. The Commission shall regulate their meetings as they see fit.
2. The Provisions of the Local Government Act regarding notice of Special Meetings of Council shall apply in like manner with respect to the Commission.
3. In the absence of the Chairman, the Vice-Chairman shall preside as Chairman at any meeting of the Commission. If at any meeting, the Chairman or Vice-Chairman is not present within FIFTEEN (15) minutes after the time appointed for holding the meeting, the members shall choose one of their members to be Chairman.
4. It shall be the duty of the Secretary, or in his absence, his delegate, to prepare and retain custody of minutes of proceedings of the meetings of the Commission and to communicate to Council all recommendations of the Commission.

Subdivision 8 - Meetings (Continued)

- 1.7.8. 5. Copies of the Minutes of all meetings shall as soon as possible following the meeting and before adoption, be distributed by the Secretary to the members of Council, the Chief Administrative Officer and the Leisure Services Director.

Subdivision 9 - Duties

- 1.7.9. 1. The Commission shall specifically assist the Council in an advisory capacity:
- a. by considering and making recommendations for the development, improvement and implementation of recreation in the municipality;
 - b. from time to time, as development progresses or changed conditions demand, by recommending additions or deletions to existing recreational programs;
 - c. by considering and making recommendations regarding major public recreational programs;
 - d. by considering and making recommendations for regional recreational development in co-operation with private, semi-public and public agencies within and without the municipality;
 - e. by considering any matters dealing with the recreational development of the municipality which the Council may deem expedient;
 - f. by encouraging all citizens to assume their share of responsibility and participate in the support of community recreation;
 - g. the Commission annually shall approve a seasonal schedule or schedules for use of recreation facilities but day to day changes shall be approved by the Leisure Services Director;

Subdivision 9 - Duties (continued)

- 1.7.9. 1. h. by considering and making recommendations on matters that affect persons with disabilities such as: access to services and programs, matters restricting mobility and travel and barriers to participation;
- i. by functioning as the District of Kitimat's Family Court Committee including matters that affect the Kitimat Youth Centre and matters that affect youth who may be considered at risk.

Subdivision 10 - Reports

- 1.7.10. 1. The Commission shall report to Council on such of the matters contained in Section 1.7.9. 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 viewsapes, 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.

Subdivision 8 - Duties

- 1.10.8. 1. The Board shall conduct ongoing liaison with West Fraser and others regarding viewscales, 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.

PART 1 - GENERAL PROVISIONS
Division 11 - Repealed

Repealed February
20, 2024

Division 11 -

Repealed {Bylaw No. 2046, 2024}